

A SUMMARY OF LEGISLATION
TRULY AGREED TO AND FINALLY PASSED

by the
92nd General Assembly
First Regular Session



2003

Prepared by the
Divisions of Research, Computer Information Systems
and Administration
of the
MISSOURI SENATE

Sponsor: Russell

Handler: Luetkemeyer

SCS#2/SB 1 - Beginning January 1, 2005, any person born after August 28, 1984, shall possess a boating safety identification card in order to operate a vessel on the lakes of this state. The State Water Patrol will issue the card. The card will be issued to persons who: (1) have successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the State Water Patrol; (2) have passed an equivalency examination prepared and administered by the State Water Patrol; or (3) hold a valid master's, mate's, or operator's license issued by the United States Coast Guard.

The State Water Patrol may charge a fee for the card that does not substantially exceed the administrative cost of this provision. No individual will be stopped or detained for the purpose of checking to see if the individual holds a boating safety identification card. The act also requires that any person convicted of certain boating offenses must enroll and complete a boating safety education course which meets the State Water Patrol's minimum standards, file proof of successful completion of the course with the court, and not operate a vessel until filing proof.

This act is substantially similar to SB 1083 and HB 1307 (2002).

STEPHEN WITTE

Sponsor: Russell

Handler: Smith

SS#2/SS/SCS/SB 2 - This act requires that on a monthly basis the Division of Employment Security cross check Missouri unemployment compensation recipients against available federal and state databases containing new hire and wage information.

Severance pay in all instances shall be considered wages. The act removes subdivision 1 of Section 288.036 which makes an exemption from the definition of "wages" for wages earned in excess of the state taxable wage base as calculated by subsection 2 of the section. The items addressed within the removed provision are addressed in subsection 2 of the section. The state taxable wage base in 2003 shall be \$8,000 and for the following years shall be set based on the preceding September 30 balance of the unemployment trust fund, less any outstanding federal advances or state bonds. Should the trust fund on September 30 be below 350 million, employers must pay an

additional \$1,000. Should the trust fund on September 30 be in excess of 500 million, employers are credited an amount of \$500.

Should the unemployment trust fund become insolvent, the maximum weekly benefit an insured worker may receive shall not be increased until two years following such time the fund is again solvent.

A claimant is not ineligible for unemployment benefits even though they are not actively and earnestly seeking work if such failure is because the individual is participating in a state approved drug or alcohol treatment program.

The act changes existing law by not allowing an individual to receive compensation during the waiting week prior to receiving unemployment benefits. Under current law the waiting week is compensable after the 9th compensable week.

The act defines misconduct within Chapter 288, RSMo. Suspension of four or more weeks shall be treated as a discharge.

An offer of suitable work shall be conclusively established if an employer notifies the claimant by any form of certified mail of such an offer. No unemployment benefits or waiting week credit may be collected regardless of severity of offence until the claimant has earned wages equal to eight times the claimants weekly benefit amount if the claimant was discharged for misconduct. If the claimant has been disqualified on more than one occasion within the base period, the claimant shall be required to earn wages in excess of eight times the maximum weekly benefit amount for each disqualification.

The act defines misconduct within Section 288.050.

The act, in Section 288.060, removes the exemption for termination pay, severance pay, and elected officials, thus allowing such to be considered wages under this law.

The act establishes that where the successor of a business was an employer who was subject to a different contribution rate within the year, the division will recalculate as of the date of the acquisition. The recalculation shall apply beginning the 1st day of the next calendar quarter. The successor employer shall use its rate for the quarter in which acquisition was made.

The act adds a provision which states that in addition to the money from the federal government and any money from state bonds issued pursuant to Section 288.330, a fee for the purpose of payment of the principal, interest, and administrative

expenses shall be required by each employer. The act sets how the amount is to be determined. For money collected for state bonds pursuant to Section 288.128 the General Assembly must appropriate such money before it may be used to repay such indebtedness. If the General Assembly does not appropriate such funds then the money shall be placed within the special employment security fund.

Such state departments, divisions and agencies that fall under the purview of the Wagner-Peyser Act shall have the power to contract with private entities for the purpose of providing employment and re-employment services.

The act allows money from state bonds issued pursuant to Section 288.330 to go into the state employment security fund and be used as appropriated by the General Assembly.

The act, in Section 288.330, removes the prohibition that the state not issue bonds or otherwise borrow money to pay unemployment benefits. The act defines bond within the subsection. "Bond", shall mean any type of obligation including bond, note, or bond anticipation note or similar instrument issued pursuant to this section. The act creates the Missouri Commission on Employment Security Financing. Further, it sets membership and the commissions powers. Any bonds issued by the Commission must mature no later than ten years after issuance, and the commission may not exceed a total of one hundred million dollars of indebtedness in the issuance of bonds. The Commission shall provide for repayment of bonds, may pledge money for the payment of bonds if the General Assembly appropriates funds for such purpose. The act establishes that bonds issued pursuant to this section are not debts of the state, such bonds are only payable from revenue provided for such payment pursuant to Section 288.330. Further, the subdivision states what must be stated on the bonds. The act states that the state will not limit or alter the rights vested in the Commission to fulfill agreements made with owners of such bonds until the bonds are fully discharged. The Commission may provide for the flow of funds, establishment and maintenance of separate accounts within the special employment security fund. Further, the commission may provide for other necessary actions with respect to the fund and may issue bonds to repay those outstanding bonds. Further, the bonds, transactions related to bonds and profits from such bonds are not taxable by the state or any political subdivision thereof. The Commission may place the proceeds, less issuance costs of bonds in the state unemployment compensation fund and use such funds for the purposes the fund was created for. If the money is not placed immediately in the fund, such money shall be held in the special employment security fund until transferred

PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS RETIREMENT FUND

Adds a \$4 surcharge to all criminal cases filed, including any county ordinance violation or traffic violation to be payable to the prosecuting attorneys and circuit attorneys' retirement fund. The amount of the county contribution to the retirement fund was restructured (Section 488.026 and 56.807).

RESIDENCY REQUIREMENTS FOR KANSAS CITY POLICE OFFICERS

This act removes the one year residency requirement for Kansas City police officers. The Board of Police Commissioners has the sole authority to determine conditions of employment for police officers (Section 84.570).

PROGRAM FOR OFFENDERS WITH SUBSTANCE ABUSE ACTION - This act adds alcohol treatment to substance abuse programs for offenders. The treatment must be at least 12 months and no more than 24 months. The Department of Corrections has the ability to determine the nature, intensity, duration and completion criteria of the programs provided. Thirty days prior to the successful completion of the program, the Board of Probation and Parole shall advise the sentencing court of an offender's probationary release. An offender's participation in this program shall not be counted as a previous prison commitment (Section 217.362).

PROBATION SERVICES - This act eliminates mandatory probation services for misdemeanor Chapter 570, RSMo, offenses (Section 217.750).

PROBATION AND PAROLE - The act requires all felony cases where the recommended sentence established by the sentencing advisory commission includes probation but the prosecuting attorney does not include probation, the Board of Probation and Parole shall provide the judge with a report on available alternatives to incarceration prior to sentencing.

The act adds to the list of requirements for the presentence or preparole report three additional requirements: (1) Information concerning the impact of the crime on the victim; (2) Recommended sentence established by the Sentencing Advisory Commission; and (3) Available alternatives to incarceration including opportunities for restorative justice (Section 217.760).

CIRCUIT NO. 13 - This act provides that beginning on January 1, 2007, the number of circuit judges in the 13th judicial circuit shall increase from three to four. The fourth circuit judge shall be elected in 2006 for a two-year term and thereafter in 2008 for a full four-year term (Section 478.610).

INMATE SECURITY FUND Upon approval from a governing body of a city or county, a surcharge of \$2 is assessed as costs in all criminal cases including municipal ordinance violations and juvenile cases. The surcharge is deposited in the "Inmate Security Fund". The fund is used to develop biometric identification systems to insure inmates can properly be identified and tracked within the local jail system (Section 488.5026).

FEDERAL FORFEITURE SYSTEM - The independent audit required of law enforcement agencies involved in federal forfeitures shall be provided to the Department of Public Safety, as well as to the governing body of the agency. The Department shall not issue funds to any law enforcement agency that fails to comply (Section 513.653).

DANGEROUS FELONIES - Adds to the list of dangerous felonies the following: (1) First degree assault of a law enforcement officer; (2) First degree domestic assault; (3) First degree elder abuse; (4) First degree statutory rape if victim is less than 12 years old; and (5) First degree statutory sodomy if the victim is less than 12 years old (Section 556.061).

ROLE OF THE COURT AND JURY IN SENTENCING - Creates a bifurcated trial if the jury reaches a guilty verdict. A second hearing shall be conducted for the jury to determine the extent or duration of sentence or other disposition based on the nature and circumstances of the offense and the history of the defendant (Section 557.036).

SENTENCES OF IMPRISONMENT - This act changes the maximum punishment for a Class D felony from 5 years to 4 years (Section 558.011).

PRIOR/PERSISTENT OFFENDERS - Changes authorized maximum terms for persistent and dangerous offenders:

Class A felony any sentence authorized by a Class A felony;
Class B felony any sentence authorized by a Class A felony;
Class C felony any sentence authorized by a Class B felony;
Class D felony any sentence authorized by a Class C felony.
(Section 558.016)

PRIOR CONVICTIONS, MINIMUM PRISON TERMS - The act allows a previous offender to be released if he or she serves 30% of the sentence or obtains age 70, whichever occurs first.

If there is a Suspended Imposition of Sentence or a Suspended Execution of Sentence, the court may consider several

restorative justice methods (Section 558.019).

This act requires the sentencing commission to study alternative sentences and report the recommendations to the General Assembly by July 1, 2005. The recommendations shall be revised every two years (Section 558.019).

DETENTION CONDITION OF PROBATION - Detention up to 48 hours shall be a condition of probation after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole (Section 559.026).

PROBATION - A circuit court has the power to grant probation to an offender anytime up to 120 days after he or she has been delivered to the Department of Corrections.

When the court places an offender in a 120 day program, the offender shall be released on probation upon the successful completion of the program. If it is not recommended the offender be released, a hearing by the circuit court will be conducted to determine if the offender shall be released or if the sentence shall be executed.

A circuit court shall have the power to grant probation up to 120 days after such offender has been delivered to the Department of Corrections, but not after.

The act adds an exception to the reporting rule if the person is being granted probation pursuant to successful completion of a 120-day program. An offender's incarceration in a 120-day program prior to the release on probation shall not be considered a previous prison commitment for determining a minimum prison term (Section 559.115).

ASSAULT OF LAW ENFORCEMENT OFFICER OR EMERGENCY PERSONNEL Adds emergency personnel to the crimes of first, second and third degree assault of a law enforcement officer (Sections 565.081, 565.082, 565.083).

TAMPERING WITH PRESCRIPTION DRUGS A person commits the crime of tampering with a prescription drug if: (1) Causes the intentional adulteration of the concentration or chemical structure of a drug without the consent of the prescribing practitioner; (2) Misrepresents a misbranded, altered or diluted prescription drug or drug therapy; or (3) Sells a misbranded, altered or diluted drug with the intent to mislead a purchaser. Tampering with a prescription drug is a Class A felony (Section 565.350).

FIRST DEGREE ENDANGERMENT OF A CHILD - The penalty for first

degree endangering the welfare of a child is increased from a Class D felony to a Class C felony. Subsequent offenses are a Class B felony (Section 568.045).

STEALING - This act increases the stealing penalties for theft of any material used to manufacture methamphetamine to a Class C felony. Any theft of anhydrous ammonia or liquid nitrogen is increased from a Class C felony to a Class B felony (Section 570.030).

STEALING, THIRD OFFENSE - This act changes the crime from a Class C felony to a Class D felony (Section 570.040).

UNLAWFUL USE OF WEAPONS The act allows peace officers completing POST training to carry a concealed weapon whether on or off duty, and whether inside or outside of his or her jurisdiction (Section 571.030).

SEXUAL OFFENDER REGISTRY This act allows campus law enforcement agencies to be notified by the sheriff regarding persons who register under the Sexual Offender Registry. Requires an individual on the list to inform the sheriff about enrollment into any institution of higher education or if the person ceases to be enrolled or employed by an institution of higher education (Sections 589.400, 589.407, and 589.414).

VICTIMS RIGHTS This act grants victims the right to be present at all criminal trials, even if he or she is only a witness (Section 595.209)

This act is similar to SB 245 (2001); SB 662 (2003); SB 345 (2003); SB 321 (2003); SB 184 (2003).

This act contains an emergency clause.
SARAH MORROW

Sponsor: Mathewson Handler: Smith (118)

HCS/SCS/SB 7 This act authorizes the state to convey state property in Pettis County. The parcel of property to be conveyed is part of the E.W. Thompson State School. The Department of Elementary and Secondary Education is responsible for setting the terms and conditions of the sale of the property.

The act authorizes the state to convey state property in Pettis County to the Sedalia School District No. 200.

Sponsor: Kinder

Handler: Cooper

CCS#2 HS HCS SCS SB 11 - This act makes various changes related to taxation. The act:

(1) Creates a state sales and use tax holiday for certain clothing, personal computers, certain computer software, and school supplies purchased during a three-day period each August. Any political subdivision may opt out of the holiday by adoption of a local ordinance if submitted annually to the Department of Revenue by the second Friday in July. The tax holiday will expire July 1, 2005;

(2) Creates the Joint Legislative Committee on Tax Policy consisting of five members from both the House of Representatives and the Senate. The committee will be responsible for continuous study and review of state tax policy and for issuing reports on its findings and recommendations to the General Assembly;

(3) Changes provisions related to the carry-forward and carry-back provisions of net operating losses for income tax purposes. Any amount of net operating losses taken against federal taxes but disallowed against Missouri taxes since July 1, 2002, may be carried forward and used up to 20 years in the future. In addition, certain net operating losses relating to farming may be carried back and forward in the same manner as allowed by federal law;

(4) Exempts from property tax motor vehicles leased for a period of one year or more to the state and any political subdivision;

(5) Exempts from state and local sales and use taxes all purchases of tangible personal property and all items converted into tangible personal property which are donated to the State of Missouri;

(6) Limits the local license tax a village with less than 1,300 inhabitants can impose after March 31, 2004, to no more than \$10,000;

(7) Allows Johnson County, if approved by voters, to establish a landfill fee of up to \$1.50 per ton for economic development. Current law allows only third classification

counties to establish these fees;

(8) Requires all lottery and other gaming winnings to be included in Missouri nonresident adjusted gross income when the winnings are from a Missouri source;

(9) Allows elected officials who live in tax increment financing (TIF) districts to not be regarded as having a conflict of interest when voting on or discussing TIF issues. Elected officials still will not be able to profit from TIF projects; and

(10) Exempts natural gas used in the primary manufacture of fuel ethanol from sales tax and modifies the farm machinery, equipment, and supplies exemption from sales tax.

JEFF CRAVER

Sponsor: Kinder

Handler: Byrd

HCS/SB 12 - This act requires that the compelling state interest test be imposed on all government laws and ordinances that might infringe upon one's exercise of religion. Nothing in the act shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on civil rights law. Nothing in the act shall be construed to allow any person to cause physical injury to another person, to possess a weapon otherwise prohibited by law, to fail to provide monetary support for a child or to fail to provide health care for a child suffering from a life threatening condition.

The act is similar to SB 958 (2002) and SB 261 (2001).
CINDY KADLEC

Sponsor: Kinder

Handler: Byrd

SS/SB 13 - This act provides that the design, marketing, manufacture, distribution or sale of firearms or ammunition is not an abnormally dangerous activity and does not constitute a public nuisance. The act prohibits political subdivisions, as well as the state from instituting a lawsuit against any firearms or ammunition manufacturer relating to design, marketing, manufacture, distribution or sale to the public. The act allows actions regarding breach of contract or warranty for firearms or ammunition purchased by a state or political subdivision.

Sponsor: Gross

Handler: Schneider

HCS/SS/SCS/SB 30 - This act creates the Amber Alert System. The Department of Public Safety (DPS) shall develop a system whereby the state will be divided into regions who shall provide a coordinated effort between local law enforcement agencies and local media within the region to aid in the identification and location of abducted persons. If a local entity does not have an alert system in place, Department of Public Safety will notify local media in their region, who by prearranged plan will issue an alert.

The Amber Alert System shall include all state agencies capable of providing information to the public which at a minimum shall include the Department of Public Safety, Highway Patrol, Department of Transportation, Department of Health and Senior Services, and Missouri Lottery.

The Department of Public Safety will have authority to notify other regions upon the verification that the criteria established by the Amber Alert System Oversight Committee has been met. Participation in a Amber Alert System is entirely at the option of the local law enforcement agency and media.

Any person who knowingly makes a false report that triggers an alert is guilty of a Class A misdemeanor.

The act establishes an Oversight Committee who will be responsible for the development of criteria and procedures for the Amber Alert System. The Oversight Committee will be housed in the Department of Public Safety.

The Amber Alert System Oversight Committee will consist of ten members and will be chaired by the Director of Public Safety. Seven members will be appointed by the Governor with advice and consent of the Senate and will serve staggered four year terms. The Oversight Committee will also include a representative of the Highway Patrol and a representative of the Department of Health and Senior Services. The seven members appointed by the Governor shall include the following representatives: two from the Missouri Sheriff's Association; two from the Missouri Police Chief's Association; one large market radio broadcaster; one small market radio broadcaster; one television broadcaster; and one representative from each Alert Missouri region. Members shall not be compensated except for actual and necessary

expenses.

This act is similar to SCS/HCS/HB 185 (2003).
CINDY KADLEC

Sponsor: Cauthorn

Handler: Mayer

CCS/HCS/SB 39 - MoSMART--This act creates the "Missouri Sheriff's Methamphetamine Relief Taskforce" (MoSMART) housed within the Department of Public Safety. This team consists of five sheriffs who will serve a two-year term and elect a chairman.

The MoSMART Fund is created and is available on an application basis to law enforcement entities and task forces. Applications are evaluated based upon the level of funding designated for methamphetamine enforcement before 1997 and upon current need and circumstances.

RELEASE OF ANHYDROUS AMMONIA - This act makes it a Class B felony for any person not the owner or not in lawful control of an approved anhydrous ammonia container to release anhydrous ammonia into the atmosphere. If the unlawful release of anhydrous ammonia causes physical injury or death to any person, it is a Class A felony.

CONTROLLED SUBSTANCES - This act makes the manufacturing of a controlled substance a Class A felony when it is done within 2,000 feet of any school or within a residence where a child resides, except producing or distributing less than five grams of marijuana in any location remains a Class C felony. The act also removes the possibility of parole for any persistent drug offender convicted of distribution of a controlled substance within 2,000 feet of a school or within 1,000 feet of public housing.

EPHEDRINE/PSEUDOEPHEDRINE; PHENYLOPROPANOLAMINE - This act prohibits the sale of more than two packages, or six grams, of any over-the-counter drug having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine.

The sale of three packages, or nine grams, of any combination drug containing ephedrine, pseudoephedrine, or phenylpropanolamine is also prohibited. Packages having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine must be kept behind the counter, or within

fifteen feet of an attended checkout counter and within the view of the checker. Violation of the provisions of this section is a Class A misdemeanor.

This act does not apply to stores that have an electronic anti-theft system using a detection alarm and product tags on these drugs.

The act supercedes any municipal ordinances or regulation passed on or after December 23, 2002, to the extent the ordinance are more restrictive.

SURCHARGE ON CHAPTER 195, RSMo CASES - This act allows surcharges of \$150 to all pleas or findings of guilt in Chapter 195, RSMo, criminal cases that requires laboratory tests. The surcharge will be deposited to the credit of the State Forensic Laboratory Account pursuant to 650.105, RSMo.

This act contains provision of SB 409 (2003); CCS/SS/HS/HB470; and SB 404 (2003).
SARAH MORROW

Sponsor: Coleman

Handler:

SB 50 - This act requires an election authority to complete its verification of initiative and referendum petition signatures not later than 30 days from the date the authority receives the petition from the Secretary of State. Currently, the authority must complete the verification within two weeks.

This act is identical to SB 1218 (2002).
JIM ERTLE

Sponsor: Shields

Handler: Fares

CCS/HCS/SCS#2/SB 52 - Currently, the taxation of non-resident professional athletes and entertainers has a specific distribution schedule, subject to appropriation, which is set to expire in 2008. This act extends the expiration date of the distribution schedule through FY 2016.

The act also specifies that any person, venue, or entity subject to the tax is to be considered an employer under the

global education. The section further asserts that Missouri Southern State University-Joplin shall discontinue, as of July 1, 2008, any and all associate degree programs unless the continuation of such associate degree programs is approved by the Coordinating Board.

SECTION 174.241 - This section eliminates the Board of Regents of Missouri Southern State College.

SECTION 174.324 - This section reemphasizes that any new masters degree program offered at Missouri Southern State University-Joplin or any other public institution of higher education in this state must be approved by the Coordinating Board for Higher Education pursuant to the provisions of to subdivisions (1) or (2) of Subsection 2 of Section 173.005, RSMo.

SECTION 174.450 - This section adds Missouri Southern State University-Joplin to the list of institutions which are charged with a statewide mission and governed by a Board of Governors.

This act contains the provisions of SB 56 (2003).

This act is similar to HB 1994 (2002) & SB 979 (2002).
DONALD THALHUBER

Sponsor: Caskey

Handler: Luetkemeyer

HCS/SCS/SB 61 - This act prohibits any person or entity from publicly displaying a person's Social Security number. This act also prohibits requiring a person to send their Social Security number over the Internet, unless it is encrypted or otherwise made secure. The provisions of this section applies on or after July 1, 2006. However, those entities using a person's Social Security number prior to July 1, 2006, may continue to use it if the use was consistent or if they provide an annual disclosure that informs the individual that he or she has the right to stop the use of his or her Social Security number. This provision does not apply to government agencies or to records that are required to be open records pursuant to law.

This act prohibits county recorders from providing recorded military discharge records to anyone except authorized parties including the person who is the subject of the records; the subject's relatives, attorney, or guardian; any person with written authorization from any of these parties; or a government agency. County recorders may refuse to accept any military

discharge document appearing to be altered, that does not contain an original signature, or any document that is not a certified copy of a record from a government agency. County recorders may not charge a fee for accepting or providing military discharge records or for providing the notarized request form needed to obtain the records. This act also prohibits the use or reproduction of military discharge records for any commercial purpose.

SARAH MORROW

Sponsor: Caskey

Handler: Johnson (47)

SB 63 - This act provides that a ruling on a petition for termination of parental rights is deemed a final ruling for the purposes of appeal.

This act is identical to SB 743 (2002).

JIM ERTLE

Sponsor: Childers

Handler: Wasson

HCS/SB 68 - This act provides that the Director of the Department of Revenue may make refunds from the amounts in the trust fund created to hold money generated by a sales tax for an ambulance or fire protection district. Currently, the Director of the Department of Revenue may authorize the State Treasurer to make such refunds.

The act also allows for the statewide certification of an emergency medical technician-intermediate. Under current law, this position is only authorized in certain charter and first classification counties.

JEFF CRAVER

Sponsor: Yeckel

Handler: Baker

CCS/HCS/SCS/SB 69 - This act requires state agencies which are proposing rules to consider alternative compliance methods for small businesses and to prepare a small business impact statement. The provisions of this act shall not apply to rules

that do not require an agency to interpret or describe the requirements of a statute. An agency, upon request by the Board, shall conduct a hearing on a proposed rule. The Board shall not request more than 12 hearings per quarter. Any proposed rule that is required to have a small business impact statement but fails to include the statement shall be invalid.

For proposed rules that affect small business, the state agency must submit a small business participation statement to the Board within 30 days after a public hearing is held, or if no hearing is held, then at least 30 days prior to the issuance of a final order of rulemaking.

The act creates the Small Business Regulatory Fairness Board. The joint committee on administrative rules will provide staff for the Board. The Board shall provide agencies with input regarding proposed rules, consider requests from small business owners for review of agency rules, review agency rules and make recommendations to the agency and general assembly regarding the need for a rule or legislation, conduct hearings and solicit input from regulated small businesses and prepare an annual evaluation report to the Governor. The Board shall not have the power to interfere with an agency or administrative enforcement action, intervene in legal actions between a small business and an agency, or subpoena witnesses or documents.

The Board shall consist of two members appointed by the Governor, one member appointed by the Lieutenant Governor, one member who is chair of the minority business advocacy commission, two members appointed by the House of Representatives, two members appointed by the senate, one member appointed by the speaker of the House and one member appointed by the President Pro Tempore of the Senate. Except for initial members, appointed members shall serve a term of three years.

Small business owners may petition an agency objecting to any rule, and the agency shall forward the petition to the commissioner of administration and the Joint Committee on Administrative Rules. The agency may determine the petition warrants adoption of amended or new rules, or may determine no additional action is necessary. A small business may seek the filing of petition by the Board for the adoption, amendment or repeal of any rule. The Board may make an evaluation report to the governor and General Assembly on rulemaking proceedings, comments from small business and the response of the state agency. The Governor or General Assembly may subsequently take such action in response to the evaluation report and state agency response as they find appropriate.

Sponsor: Gross

Handler: Kelly (144)

SB 108 - This act adds the Chief Information Officer as a member of the State Records Commission. The Chief Information Officer is the head of the Office of Information Technology.

This Commission has the duty to determine what records no longer have any administrative, legal, research or historical value and should be disposed of.

This act is identical to SB 690 (2002).

RICHARD MOORE

Sponsor: Caskey

Handler: Rector

SB 120 - This act enables Cass County to adopt provisions of current law whereby it will be able to deposit an amount not greater than one-fifth of one percent of all ad valorem property tax collections on newly constructed property into the assessment fund of the county for collection costs.

JEFF CRAVER

Sponsor: Caskey

Handler: Davis (122)

SB 121 - This act modifies the current law concerning a county's adoption of planning and zoning prior to becoming a first class county so as to specifically include Cass County. This change will enable Cass County to continue to operate under its existing planning and zoning laws.

JEFF CRAVER

Sponsor: Caskey

Handler: King

SCS/SB 122 - This act provides that the assessor of a third class county may make entries to the assessors book after the May 31st deadline for delivery of the book in the case where real property has changed hands after delivery of the book. The change to the book is limited to noting the new owners and redistributing the assessed valuation to reflect the current ownership status. Any increase to assessed valuation as a result of this provision shall be considered new construction.

The governing body of any third class county must adopt the provisions of this act for the act to take effect in such county.
JEFF CRAVER

Sponsor: Gross

Handler: Davis (19)

HCS/SCS/SB 130 The act authorizes the State to convey state property in St. Charles County along 321 Knaust Road to St. Charles County. The State Commissioner of Administration is responsible for setting the terms and conditions of the sale of the property.

This act has an emergency clause.

RICHARD MOORE

Sponsor: Goode

Handler: Deeken

HCS/SB 136 - This act changes the opening day for filing a declaration of candidacy for offices in political subdivisions and special districts from the 15th Tuesday before the election in April to the 16th Tuesday before the election. The act also modifies the date before which the political subdivision or special district must notify the general public of the opening filing date, the offices to be filled, the place for filing and closing filing date from the 15th Tuesday before the election to the 16th Tuesday before the election.

The act changes the date for the first city council meeting in third class cities following the annual election from the third Tuesday in April to the fourth Tuesday in April. The act also changes the number of days following the annual election of school board directors that a meeting is required from seven to fourteen.

JIM ERTLE

Sponsor: Goode

Handler:

SB 143 - This act provides that vetoed bills become effective 30 days after the General Assembly votes to over-ride.

This act is similar to SB 749 (2002).
JIM ERTLE

Sponsor: Loudon

Handler: Cooper (120)

HCS/SB 175 - This act creates a food recovery program for restaurants and charitable or nonprofit organizations to provide food to needy persons.

A new Section 192.081 is created with definitions for "donor", "food", "perishable food", and "prepared food". The intent is to make surplus food available to charitable and nonprofit organizations or volunteers for distribution to the homeless or those in need of food. Any donor and charitable or nonprofit organization acting in good faith will not be subject to criminal penalty or civil damages arising from the condition of the food.

Reasonable efforts should be made between donors and charitable or nonprofit organizations to contact each other for the collection of food. The Department of Health and Senior Services must develop and annually update a public information brochure regarding food recovery.

The act repeals Sections 196.365 to 196.445, RSMo, which pertain to the manufacturing of soft drinks and beverages.

LORIE TOWE

Sponsor: Bartle

Handler: Mayer

HS/HCS/SB 184 - This act makes various changes in the law relating to criminal records and other records used by law enforcement.

This act repeals a section of law prohibiting the fingerprinting of a juvenile.

The charge for background checks for the administration of criminal justice or for state agencies screening employees or applicants for employment is waived.

Any person applying for a school bus driver permit must

submit fingerprints for a background check with the State Highway Patrol and the Federal Bureau of Investigation.

This act defines an authorized state agency, provider and qualified entity and allows a qualified entity to obtain a Missouri criminal record review of a provider from the Highway Patrol. The qualified entity must request a criminal record review and a national criminal record review through a state agency. The provider must supply information to the authorized state agency and the agency then forwards the forms and fees to the Highway Patrol. The agency may also assess a fee to the qualified entity to cover the cost of the background check. All information obtained through this background check shall be used solely for internal purposes of determining the suitability of the provider. A person disclosing information beyond the scope allowed is guilty of a Class A misdemeanor.

This act adopts the National Crime Prevention and Privacy Compact.

Several state agencies are added to the list of entities requiring applicants to submit fingerprints for a criminal history check.

This act revises the Board of County Visitors, which inspects all corrective institutions supported by a county. The Board is given immunity from lawsuits as judicial officers. This act allows the Board of Visitors to address a memorial to the presiding judge, sheriff and county commissioners if there is a problem that may be injurious to the county and shall provide recommendations to the presiding judge of the circuit court, the sheriff and the county commission.

This act requires the Highway Patrol, upon appropriation, to post a statewide sexual offender list on the Internet. This will allow the public to search for registered sexual offenders by name, zip code and mile radius from any address. This act does limit the amount of information about a registered sexual offender to a photograph, name, address and crime committed.

Any two or more political subdivisions or subdivisions and the Highway Patrol to cooperate to form a multi-jurisdictional enforcement group for the investigation of computer and Internet law violations.

The Family Care Safety Registry is expanded to include a check of the sexual offender registry beginning January 1, 2004.

Law enforcement agencies of any higher education institution

may obtain a copy of the sexual offender registry. A person on the registry must notify the sheriff if he or she is enrolled in a higher education institution or if the enrollment or employment status with a higher education institution has changed.

This act expands the list of entities that may access closed records. A criminal justice agency receiving a request for criminal history information may require fingerprints prior to releasing closed record information.

Any person who requests expungement of an arrest record must submit fingerprints at the time of filing a petition to expunge for the sole purpose of positively identifying the petitioner.

Applicants for a direct care position at a mental health facility shall sign a consent form to conduct a criminal background check and disclose his or her criminal history. The applicant is also required to disclose if he or she is listed on the employee disqualification list. It is a Class A misdemeanor for an applicant to knowingly fail to disclose his or her criminal history and it is a Class A misdemeanor for a provider to knowingly hire a person who has been disqualified from employment at a mental health facility.

This act contains provisions found in SCS/HB 697 (2003); SB 543 (2003); and HB 679(2003).
SARAH MORROW

Sponsor: Cauthorn

Handler: Munzlinger

CCS/HCS/SB 186 - Under current law, the Marion County Circuit Court appoints the Circuit Clerk ex officio Recorder of Deeds. If the office is separated into District I Circuit Clerk and Recorder of Deeds, the court continues to appoint the District I Circuit Clerk. This act makes the position of Circuit Clerk ex officio Recorder of Deeds an elected position. The first election of the position will take place at the 2006 general election. The act also clarifies that in counties where the Clerk of the Circuit Court and the Recorder of Deeds have been separated, the office of Recorder of Deeds will be elected at the next general election.

The act requires that the Circuit Clerk in the Sixth and Seventh Judicial circuits must be appointed by a majority of the circuit judges and associate circuit judges of the Circuit Court. The clerk may be removable for cause by a majority of these

judges. This portion becomes effective on January 1, 2004.
Elected circuit clerks in office at that time will continue to
hold their office until the expiration of their elected terms.
CINDY KADLEC

Sponsor: Scott

Handler: St. Onge

SCS/SBs 194 & 189 - This act provides that Indian tribes for
which service in employment is performed are considered
"employers" and requires Indian tribe employers to contribute or
make payments in lieu of contributions to the Unemployment
Compensation Trust Fund. Further, this act will bring the State
into compliance with a federal mandate the noncompliance of which
will subject the State and employers of the state to millions of
dollars of lost tax credits and grants.

This act has an emergency clause.

This act is identical to HB 2166 (2002).

RICHARD MOORE

Sponsor: Childers

Handler: Johnson (47)

CCS/HS/HCS/SCS/SB 199 - This act modifies the classification
of counties. The assessed valuation necessary to qualify as a
first class county is increased from the current \$450 million to
\$600 million. The assessed valuation necessary to qualify as a
second class county is increased from the current \$300 million to
\$450 million. No county will move to a lower classification than
its current classification as a result of the changes in the
assessed valuation requirement, however, such a county may move
to a lower classification after five years at a level below the
requisite amount for the counties current classification.

The act modifies Section 48.030, RSMo, to allow any county
that has the requisite assessed valuation to become a first class
county to choose to do so upon an affirmative vote of the
counties governing body, even though the county has not had such
valuation for five successive years as required under current
law.

The act authorizes the Boone County Counselor to prosecute
certain misdemeanors in order to seek a civil fine of not more

than \$250 per violation. Fines collected pursuant to this act shall be paid into the county general fund to be used to pay for the cost of enforcement of such offences.

The act authorizes the county commission to create a "county crime reduction fund". Further, the act sets the board of trustees who shall supervise the fund, sets what the money in fund may be used for, prohibits the county.

The act authorizes county treasurers in counties of the third and fourth classification to issue payroll checks before the filing of the county budget estimates.

The act authorizes a county counselor to prosecute cases brought pursuant to Section 49.272, RSMo, where a civil fine may be imposed, rather than the prosecuting attorney. Further in counties of the first classification a county counselor may by agreement with the prosecuting attorney prosecute or defend any civil action the other officer is authorized by law to act upon.

The act authorizes any county subject to Environmental Protection Agency rules concerning storm water discharge to adopt ordinances that are necessary to comply with federal regulations. These counties may, upon voter approval, impose a storm water utility tax in an amount necessary to fund public storm water control projects.

The act authorizes St. Louis County to impose, by ordinance, a quarterly fee of \$200 on owners of residential property or commercial housing property if that property is vacant, has been vacant for six months, and is in violation of the housing code. A municipal officer must make the initial determination, and the owner may appeal or improve the property within 30 days. If improved, the owner may ask for reinspection. If the fee is still imposed, the owner may still appeal. Delinquent fees become a lien upon the property. Currently, only municipalities may impose the fee.

The act authorizes the City of St. Louis all counties to impose, upon voter approval, a sales tax of up to 0.025% for community services for children up to the age 19. Current law allows St. Charles, St. Louis, Jefferson, Franklin, Warren, and Lincoln counties to enact this sales tax. The moneys collected from the tax will be deposited into the county's community children's fund and administered by the board of directors.

The act creates the Exhibition Center and Recreation Facility District Act. It enables citizens of Boone, Buchanan, Camden, Jasper, Jefferson, Miller, Morgan, and Newton counties to

petition to create an exhibition center and recreation facility district. At least 50 property owners in a county must sign the petition. Once the petition is filed, the governing body may approve a resolution to create the district. Following a public hearing, the governing body may adopt an order establishing the proposed district. A board of trustees will administer any district created. The governing body of each county within the district will appoint four residents from the portion of the county within the district to serve on the board. The board will have the power to enter into contracts or other agreements affecting the affairs of the district, to borrow money, to issue bonds, to acquire and dispose of real and personal property, to refund bonds without an election, to manage the affairs of the district, to hire agents, and to amend and adopt bylaws. The district may submit to its voters a sales tax of up to 0.5%. The tax will be reduced automatically to a rate of 0.1% after 25 years unless an extension is voted upon by the voters in the district.

The act allows Shannon County to impose a surcharge on the sale of each ticket or other charge allowing admission to or participation in any private tourist attraction or on the daily rental of rooms or accommodations paid by transient guests at a rate not to exceed five percent of such admission or amount.

The act Authorizes the Department of Economic Development to designate an area within Jackson County as a satellite zone. The governing body of the county must submit a plan describing how the zone corresponds to the county's overall enterprise zone strategy. The Department of Economic Development is also required to designate an enterprise zone in Laclede County. The zones must be approved by the Director of Department of Economic Development and meet all statutory requirements.

The act clarifies that a municipality in Christian County may continue to operate an emergency telephone service in the event the county also establishes a service or has been reclassified into a higher classification.

The act authorizes counties of the second, third, or fourth classification to set by ordinance countywide speed limits on roads within the county which are maintained by the county.

The act establishes requirements for a candidate for the office of public administrator. The candidate must be 21 years of age, be a resident of the county for at least one year, be a registered voter, and be current in the payment of all personal and business taxes.

In addition to amounts authorized prior to August 28, 2004, this act authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution. The authorizations are for:

(1) \$10 million of bonds for waste water pollution control, drinking water system improvements, and storm water control pursuant to Section 37(e);

(2) \$10 million of bonds for rural water and sewer projects pursuant to Section 37(g); and

(3) \$20 million of bonds for storm water control plans, studies, and projects in first classification counties and the City of St. Louis pursuant to Section 37(h).

RICHARD MOORE

Sponsor: Childers

Handler: Wood

SCS/SB 202 - This act allows access to the water supply of a water corporation, municipality, or public water supply district for the purpose of filling mobile equipment during an emergency where life or property are in peril, regardless of non-payment. Authorization from the affected water supply governing body is required prior to pumping of water from the system. Hard suction connections may not be used in obtaining water from a public water supply. Within fifteen days following the use of water in an emergency situation the fire protection service shall provide the governing body of the source of water an estimated amount of water utilized. Under no circumstance shall an entity be authorized to deplete a water supply to a pressure less than the minimum pounds per square inch as required by law or regulation. Any entity which contemplates using water for emergency services must provide its personnel with adequate training. A fire protection service shall be liable for any damages caused by it to any part of the water supply system from which water is taken.

RICHARD MOORE

Sponsor: Bartle

Handler: Mayer

SB 203 This act provides that the party requesting an administrative subpoena shall enforce the subpoena at Circuit

Court. Currently, the agency is responsible for enforcement of administrative subpoenas at Circuit Court. The involved agency and any party to the action is permitted to intervene in the enforcement action.

JIM ERTLE

Sponsor: Mathewson

Handler: Byrd

SB 207 - This act modifies the law regarding damage claims by rental companies. Under this act, all damage claims made by a rental company must be reasonably and rationally related to the actual loss incurred. Rental companies shall not assert a claim for damages which exceeds: (1) the actual cash value of the vehicle less any proceeds from the disposal of the vehicle, or (2) the actual cost to repair the vehicle including all discounts or price reductions, whichever is less.

The renter shall be presumed to have no liability for loss due to theft if an authorized driver has possession of the key or establishes the key was not in the ignition and the authorized driver promptly files a police report on the theft. This act also adds repair facilities to the type of entities which may make estimates for damage claims.

This act is similar to SCS/HB 505 (2003).

CINDY KADLEC

Sponsor: Bartle

Handler: Johnson (47)

HCS/SCS/SBs 212 & 220 - This act revises certain provisions for law enforcement personnel. The act authorizes the superintendent of the Highway Patrol to proscribe increases for members of the Highway Patrol. The Superintendent will submit a salary schedule, which will include a comparison with the three largest police departments in the state, to the Governor and General Assembly who may review and make recommendations on the salary schedule report.

This act revises certain provisions of the police retirement systems in Kansas City. The act makes the plans consistent with the provisions of Section 401(a) of the Internal Revenue Code. A member's benefit shall be vested upon the earlier of completing 25 years of service, age 60 with 10 years of service, or age 70

regardless of years of service.

This act also allows members of the Kansas City Police Retirement System to receive their retirement benefits in a partial lump sum. The act allows members with at least 26 years of service to receive an optional distribution under a partial lump-sum option plan. Requirements to make the election are provided. The method for calculating the amount of the lump sum distribution is provided. If a member chooses a lump sum distribution the base pension amount will be reduced according to the provisions in the act.

The act changes the membership of the retirement board. The board will consist of five members. If the city has a civilian employees' retirement system, the five members will consist of one retired member of the police retirement system, one active member of the police retirement system, one member of the civilian employees' retirement system and two other members who are elected. If the city does not have a civilian employees' retirement system, the one member of the civilian employees' retirement system is replaced by another at large member. The method for election to these positions is specified.

This act provides active members of the system who are on the retirement board with up to 10 days paid leave to be able to attend meetings and educational seminars approved by the retirement board.

The act authorizes the retirement board to administer early retirement incentives offered to employees in addition to other benefits such members may be entitled to. However, the city shall agree to increase its contribution to provide for the full actuarial costs of the early retirement incentives.

The act also adds a funeral benefit of \$1,000 for members as of August 28, 2003, who die in service or who die after retiring.

This provisions are contained in HCS/HBs 152 & 180, CCS/HS/HCS/SS/SCS/SBs 248, 100, 118, 233, 247, 341 & 420, and SCS/HCS/HBs 152 & 180 (2003).

CINDY KADLEC

Sponsor: Goode

Handler: George

HCS/SCS/SB 218 - This act provides that a municipality may impose a fee of up to \$50 per year for the repair of lateral

sewer lines on or connecting residential property having six or less dwelling units. Any political subdivision that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Condominiums that have six or less condominium units per building are subject to the \$50 fee, each unit shall be responsible for its proportionate share of any fee charged. If a condominium unit is served by its own lateral sewer line, it shall be treated as an individual residence. The condominium owner or condominium association who believe they are not properly classified as provided in this section shall have the responsibility to notify the county office administering the program. If an existing sewer lateral program was in effect prior to the effective date of this act, condominium and apartment units not previously enrolled may be ineligible for enrollment if it is determined that the sewer lateral serving the unit is defective.

The act sets forth a guideline for the drafting of the proposition to be put before the voters.

RICHARD MOORE

Sponsor: Steelman

Handler: Smith 14

SS/SB 219 - The act entitles any Korean Conflict veteran (military service beginning June 27, 1950, and ending January 31, 1955) who was honorably discharged and resides in Missouri to receive a medallion, medal and a certificate of appreciation. The Adjutant General shall determine those persons who are eligible for the award. Applications may be filed during calendar year 2004. Any veteran who meets the qualifications outlined in the act (or any spouse or eldest living survivor of a deceased veteran who would be entitled to a medallion) may apply for a Korean conflict medallion, medal, and a certificate. The "Korean Conflict Veterans' Recognition Award Fund" is created and shall be used to fund the design, manufacture and distribution of the medallions, medals and certificates.

This act allows the Missouri veterans' commission to expend funds from the Veterans' Commission Capital Improvement Trust Fund in order to pay for both the WWII program as well as the creation of the Korean Conflict Medallion program.

Currently, any funds remaining from the medals, medallions and certificates are to be utilized to pay for the buglers at

Sponsor: Cauthorn

Handler: Behnen

SB 232 This act authorizes the Department of Natural Resources to convey state property in Thousand Hills State Park to James Lyons. Consideration for the conveyance shall be the conveyance of property owned by Mr. Lyons to the Department of Natural Resources.

JIM ERTLE

Sponsor: Quick

Handler: Ervin

HCS/SB 234 - This act allows Clay County to open or operate a concession stand at a privately operated marina with certain restrictions.

This act has an emergency clause.

RICHARD MOORE

Sponsor: Quick

Handler: Johnson (47)

SB 235 - This act provides that the calculation of the limit for local government indebtedness as outlined in the Missouri Constitution shall include the additional value added to an area as a result of a TIF redevelopment project in such area. The County Assessor is instructed to include such value when making entries in the assessor's book.

JEFF CRAVER

Sponsor: Caskey

Handler: Baker

SCS/SB 238 - This act provides that any unincorporated area having a private 18 hole golf course community and at least a 100 acre lake within Cass county may incorporate as a city regardless of any proposed annexation of the area by certain cities. Any attempt of a city to annex the unincorporated area shall not be effective until after the voters of the unincorporated area fail to approve the proposed incorporation of the area as a city.

This act exempts any proposed city, town or village located within Cass county from the prohibition against a proposed municipality being organized within two miles of the limits of

certain existing cities.

This act contains an emergency clause.

This act is similar to SCS/SB 238 (2003).

JIM ERTLE

Sponsor: Mathewson

Handler: Smith (118)

SCS/SB 239 - This act authorizes the Governor to convey the National Guard Armory in Sedalia to the Sedalia School District Foundation if a bid of at least \$99,990 is not received by the Office of Administration within six months of opening of the public sale. If no bid is received, consideration for the conveyance to the Sedalia School District shall be one dollar.

RICHARD MOORE

Sponsor: Yeckel

Handler: Byrd

HCS/SS/SB 242 - This act provides that in order to secure and protect monies to be received as part of the settlement agreement with tobacco companies, the total appeal bond required of all appellants collectively shall not exceed \$50 million in any civil litigation involving a claim relating to tobacco products. A court, if good cause is shown, may set the bond on appeal in an amount lower than that established by law.

If the party bringing the appeal is shown to be purposefully dissipating or diverting assets outside the ordinary course of business for purposes of avoiding ultimate payment of the judgment, then the \$50 million limit may be rescinded and the court may enter orders to prevent such dissipation or diversion of the assets.

An appellant whose bond has been reduced pursuant to this act must provide the court and the appellee the most recent statement of assets and liabilities of the appellant that have been filed with certain regulatory agencies, quarterly updates on the appellant's statement of assets and liabilities. The appellant must also agree that it will not dissipate or divert assets outside the ordinary course of its business for the purpose of avoiding ultimate payment of the judgment.

This act shall apply to all cases pending on or after the

effective date of this act.

JIM ERTLE

Sponsor: Yeckel

Handler:

HCS/SB 243 - This act creates the "State Property Preservation Fund". Moneys in the fund would be used for the purpose of repairing or replacing state-owned or leased property damaged from natural or man-made events.

Subject to appropriations, the fund would pay claims for property loss for state-owned or leased buildings. In order for the fund to make payment for property loss, a notice of coverage must be issued by the Office of Administration for the property and the state must be contractually obligated to provide insurance for such property.

The act limits the aggregate amount of money to be paid out of the fund to not exceed the cost of repairing or restoring the building or the defeasance of outstanding debt secured by the property. Payments from the fund comes only after other insurance policies have been exhausted.

The fund shall satisfy all covenants requiring the state to provide property insurance for state-owned or leased buildings.

This act contains an emergency clause.

This act is similar to SCS/SB 1148 (2002).

JIM ERTLE

Sponsor: Gross

Handler: Smith

CCS/HS/HCS/SS#2/SCS/SBs 248, 100, 118, 233, 247, 341 & 420 - This act revises various provisions regarding retirement systems and benefits.

ST. LOUIS POLICE RETIREMENT SYSTEM - The act:

Grants members with 30 years + service and who are eligible to participate in the deferred retirement option plan to receive an additional week of vacation (6 weeks rather than 5 weeks). (Section 84.140);

Prohibits DROP benefits for those on disability retirement. This provision is identical to TAT HB 152 (Section 86.251).

KANSAS CITY POLICE AND CIVILIANS RETIREMENT SYSTEMS - The act:

Provides active members of the system who are on the retirement board with up to 10 days paid leave to be able to attend meetings and educational seminars approved by the retirement board. SB 341 (Wheeler) (Section 86.394)

Allows the city to authorize an early retirement incentive offered to employees in addition to other benefits such members may be entitled to. However, the city shall agree to increase its contribution to provide for the full actuarial costs of the early retirement incentives. SB 341 (Sections 86.445 & 86.676)

Adds a funeral benefit of \$1,000 for members as of August 28, 2003, who die in service or who die after retiring. SB 341 (Section 86.690)

MSEP, MSEP 2000 and HTEHPRS - The act:

Changes the eligibility age for retirement from 50 to 48 for the Missouri State Employees Retirement System and the Highway and Transportation Employees' and Highway Patrol Retirement System. SB 100 (Shields) and SB 118 (Caskey) (Sections 104.010, 104.271, 104.1003 & 104.1024)

Allows uniformed members of the Highway Patrol to purchase up to four years of service for public employment. SB 78 (Gross). (Section 104.040)

Revises provisions for retirement for members of the General Assembly. It provides an election for calculation of creditable service for any person who would otherwise accrue service both as a member of the General Assembly and as an employee or state officer (Section 104.370).

Clarifies language relating to affidavit filing for purchase of service, board member elections, contracting with outside providers for the provisions of optional life insurance and the designation of benefit recipients (Sections 104.110, 104.340, 104.460, 104.517, 104.1021, 104.1051, 104.1072, 104.1093).

Allows the Board for HEHPRS to contract with an outside provider for disability coverage and transfers the denial appeal process and liability to the outside provider (Section 104.110).

Provides for transferred personnel from the Division of Highway Safety to elect system coverage. (Section 104.806).

PUBLIC SCHOOL AND NON TEACHER RETIREMENT SYSTEMS - The act:

Requires the state board of education to adopt rules to facilitate job-sharing by teachers. Job-sharing is defined as a certificated employee who is sharing a position with one other employee, is employed by the district for at least 50% of the workweek, and is spending at least 70% of his or her time in classroom instruction. Teachers in job-sharing positions will receive holidays and leave on a pro rata basis. Certain positions are excluded from job-sharing positions. SB 503 (Section 168.303)

Part-time teachers working 17 to 20 hours per week may receive retirement credit on a pro-rata basis (Section 169.712).

ADMINISTRATIVE LAW JUDGE AND LEGAL ADVISOR'S RETIREMENT PLAN - The provisions of the act will not alter or revise the ALJLAP retirement system (Section 287.845).

EARLY RETIREMENT INCENTIVE - The act:

Provides a medical insurance incentive for state employees to retire. Employees who retire after February 1, 2003, and prior to September 1, 2003, or are eligible to retire by February 1, 2004, and who are eligible for medical coverage, will be eligible to continue at the same rate in effect for active employees. This rate will continue for five years or until becoming Medicare eligible, whichever occurs first. The retiree may elect to continue coverage for themselves and eligible dependents. Benefits for those eligible to retire between September 1, 2003 and February 1, 2004, who elect to retire pursuant to these provisions will have their retirement benefits calculated based on their actual years of service.

Allows the governing boards of Truman State University, Lincoln University, the educational institutions in Section 174.020, the Department of Transportation and the Highway Patrol and the Conservation Commission of the Department of Conservation to offer similar benefits to their employees.

The State may not rehire more than 25% of the positions vacated. Exceptions may be made for critical, seasonal, or federally funded positions. Certain monthly tracking and final reporting on the effect of the provisions is required.

The benefit does not apply to elected officials, members of

the General Assembly or Administrative Law Judges.

The retirement systems and the Office of Administration is required to make certain reports on the impact of the offering of this benefit. SB 462 (Sections 1 & 2.)

WORKER MEMORIAL FUND - This act creates a one-dollar check-off for the Workers Memorial fund to be put on each tax return filed after January 1, 2004. Taxpayers will be able to donate one or more dollars of a refund claimed to the fund. Taxpayers can also send a check or other negotiable instrument designated to the fund with their tax return. These provisions are identical to SB 236 (2002)(Section 3).

CINDY KADLEC

Sponsor: Stoll

Handler: Wagner

SB 250 - This act authorizes Jefferson County to levy a sales tax of up to one-half percent. Twenty-five percent of the revenue from this tax shall go to a County Prosecuting Attorney's Office Trust Fund, to be used by the county prosecuting attorney's office. The remainder of the revenue shall be deposited in the Law Enforcement Sales Tax Trust Fund for the county.

The act has an emergency clause and a referendum with ballot language.

JEFF CRAVER

Sponsor: Kinder

Handler: Engler

SB 255 - This act eliminates PSC ratemaking oversight for certain not-for-profit electrical cooperatives whose consumers are its stockholders. The Public Service Commission will still have oversight regarding items affecting the safety and health of employees, services provided outside the boundaries of the cooperatives, changes in suppliers of permanent service, and territorial agreements.

This act is similar to portions of SS/SCS/HB 208 (2003).

CINDY KADLEC

Sponsor: Shields

Handler: Johnson (47)

HCS/SB 266 - This act requires the Department of Mental Health to develop a plan to address the needs of persons who are on a waiting list for services. A new Section 633.032 requires the plan to emphasize the partnership between developmentally disabled individuals and their families, community providers, and state officials. The plan shall include:

- A method for reducing the waiting period to ninety days;
- A description of available services;
- An evaluation of the capacity to serve more individuals;
- A method of adjusting support and service levels based on individual needs;
- A method for determining when out-of-home twenty-four hour care is necessary;
- A description on how the plan will be implemented;
- Any necessary changes to state law;
- An analysis of the monetary effects to providing services to all eligible individuals and their families.

The act requires the plan to be completed by November 1, 2003. The Director of the Department must submit a copy to the General Assembly and the Governor.

A new Section 1 requires the Departments of Mental Health and Social Services to jointly prepare a plan to address the need for mental health services involving:

- all cases in the custody of the Department of Social Services that involve children who only need mental health services and have not been abused, neglected, or abandoned; and
- children or persons under 17 who require mental health services as determined by a court.

The plan shall include an analysis of federal funding, including waivers, an analysis of the budgetary and programmatic impact of providing mental health services to children, and an analysis of the feasibility of securing federal funds, including time frames.

The plan must be completed on or before January 1, 2004 and submitted to the General Assembly and the Governor.

LORIE TOWE

Sponsor: Quick

Handler: Willoughby

SCS/SB 269 - This act enables the governing body of

LEGAL EXPENSE FUND (Section 105.711) - Adds attorneys practicing pro bono at tax-exempt nonprofit community social services centers to coverage from the Fund up to \$500,000. Adds physicians working in county jails to coverage from the Fund.

IMMUNITY ON LAND NEAR PUBLIC TRAILS (Section 258.100) Expands immunity from civil liability for certain landowners adjoining public trails from only certain first class counties to all political subdivisions.

SEAT BELT VIOLATIONS (Section 307.178) Under this provision, failure to wear a seat belt shall be considered as evidence of comparative negligence in a lawsuit. The failure to wear a seatbelt can also be admitted to mitigate damages without introducing expert evidence proving that the failure to wear the belt contributed to the injuries.

VENUE IN SUITS AGAINST NOT-FOR-PROFIT CORPORATIONS (355.176) Provides that venue shall be in county where the cause of action accrued or the county where the office of the registered agent of the corporation is maintained.

INTEREST ON JUDGEMENTS (Section 408.040) Claims for prejudgement and post-judgement interest in tort actions shall be calculated at an interest rate tied to the auction price for 52 week Treasury bills.

LIENS FOR HEALTH PRACTITIONERS (Section 430.225) - Allows liens for health practitioners who provide medical services to patients injured by tortfeasors. The original enactment of this section was rule unconstitutional by the Supreme Court based on a Hammerschmidt problem.

VENUE (Sections 508.010, 508.040 and 508.120) - This provision requires that venue in all tort actions, including torts for improper healthcare but excluding suits against motor carriers, shall only be in county where cause of action accrued or the county where the defendant resides. Residence for a corporation is either the county where the registered agent is located, or if no such agent exists, then Cole County. In suits against corporations, venue shall only be in the county where the cause of action accrued or the county of the corporation's residence. The act allows any defendant to move for change of venue upon the adding of a new defendant if current venue would have been inappropriate if new defendant had initially been named.

VENUE TRANSFER (Section 508.075) A court shall dismiss or

transfer venue for a cause of action accruing outside the county in which the court is located if there is another more convenient venue. The determination of convenience is based on a number of factors, including: location of accrual of cause, location of fact witnesses and health care providers, and residence of the parties. A motion to transfer venue may be filed within 90 days after answer is due. A party filing a case in a county where none of the defendants reside or where cause accrued shall bear the burden that the pending venue is more convenient than a forum in which defendants reside or cause accrued. If court grants the motion, then the case is either transferred or dismissed so that the plaintiff can file in a more convenient forum in another state. If the case is dismissed and the plaintiff files in another state with jurisdiction within six months, then defendants must accept service. If any defendant refuses or the court in the other forum refuses to accept jurisdiction, then the case is reinstated in the court where it was dismissed.

OBJECTIONS RAISED BY MOTION (Section 509.290) Adds convenient forum to the list of objections that may be raised by motion whether or not such objection appears in the pleadings.

PUNITIVE DAMAGES (Section 510.263) In tort actions, including for improper healthcare, the act allows discovery of defendant's assets only after judge determines that plaintiff has a submissible case on punitive damages. Includes definition of "punitive damages."

CLASS ACTION CERTIFICATION (Section 512.020) Orders granting or denying class certification shall be appealable. The court of appeals must accept the appeal, but the circuit court or court of appeals will have discretion on whether to stay proceedings pending appeal. Orders granting or denying a motion based on convenient forum shall be appealable.

SUPERSEDEAS BONDS (Section 512.099) This act establishes a \$50 million limit on supersedeas bonds if the appellant proves that it has unencumbered assets that equal or exceed the amount of the judgement in excess of \$50 million. If the appellant fails to maintain such level of assets or is purposely dissipating assets outside the ordinary course of business to avoid payment of the judgment, then the court may require a bond equal to the full amount of the judgment.

STATUTE OF LIMITATIONS IN CHILDHOOD SEXUAL ABUSE CASES (Section 516.600) - The act provides that the statute of limitations in actions to recover damages from injury caused by childhood sexual abuse shall be ten years of the plaintiff turning 21 years of age or within three years of the date of discovering, or reasonably

should have discovered, that the injury was caused by childhood sexual abuse, which occurs later.

JOINT AND SEVERAL LIABILITY (Section 537.067) Provides for joint and several liability for compensatory and noneconomic damages if a defendant is found to bear 10% or more of the fault, but only makes a defendant liable for their portion of fault for punitive damages.

MEDIATION (Section 537.072) This provision requires mediation for all tort actions unless the court finds that mediation has no chance of success.

PADDLESPOUT LIABILITY (Section 537.327) Limits liability of paddlesport outfitters for injury or death cause by inherent risks of paddlesport activities.

AFFIDAVITS IN TORT ACTIONS AGAINST LICENSED PROFESSIONALS (Section 537.530) This provision requires an affidavit from a similarly licensed professional supporting a cause of action for non-medical claims of professional negligence.

DEFINITIONS (Section 538.205) Adds long-term care facilities (convalescent, nursing and boarding homes) to definition of "health care provider" as used in tort actions based on improper health care. Modifies definition of "punitive damages" to include exemplary damages and damages for aggravating circumstances.

MEDICAL MALPRACTICE NONECONOMIC DAMAGES CAP (Section 538.210) This provision removes the words "per occurrence" to ensure that there is a single cap, and not multiple caps per incidents of medical malpractice as held by the court in Scott v. SSM Healthcare. Provides for a cap on noneconomic damages of \$350,000 and that periodic inflationary increases from the cap shall begin on August 28, 2003. Defines "defendant" to include an entity or person that is sued in an action against a health care provider or in action for rendering of health care services. No hospital or health care provider shall be liable for actions of entity or person who is not an employee of such hospital or health care provider.

AFFIDAVIT OF MERIT (Section 538.225) This provision would require (current law is discretionary) a court to dismiss any medical malpractice claim for which the plaintiff fails to file an affidavit stating that he or she has obtained the written opinion of a health care provider which states that the defendant failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and

that such failure caused the plaintiff's damages. The act limits extensions of time to file such affidavit to 90 days. The provision also requires the expert to be licensed and actively practicing in substantially the same specialty as the defendant. Any defendant may request the court to review the opinion for a determination of whether the expert meets the qualifications of this section.

BENEVOLENT GESTURES (Section 538.227) This provision would make statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person involved in an accident inadmissible as evidence in a civil action. Statements of fault, however, shall not be inadmissible.

QUALITY ASSESSMENT RECORDS (Section 538.301) Prohibits certain quality assessment committee records, written proceedings or documents produced by or through the activities of any state or federal agency from being subject to release by subpoena or other means of compulsion or admissible in certain civil, criminal and administrative proceedings. Prohibits civil liability for a person's act done in good faith as a member of a quality assessment committee. Persons related to such committees cannot be compelled to testify with respect to such records and documents or actions taken by the committee.

SEVERABILITY CLAUSE (Section 1) The act includes a severability clause.

EFFECTIVE DATE OF ACT (Section 2) The act shall only apply to cases filed after August 28, 2003.

This act is similar to HCS/HB 273 (2003).
JIM ERTLE

Sponsor: Shields

Handler: Brown

HCS/SCS/SB 281 - This act allows any first class county to acquire, own, erect, operate, manage, and maintain buildings and property outside the limits of the established seat of justice.

RICHARD MOORE

Sponsor: Shields

Handler: Brown

SB 282 - This act changes the maximum amount of time a County Commission of a first class county may issue a lease or concession grant for certain public facilities from five years to seven years. Further, this act changes the maximum amount of time a County Commission of a first class county may operate such facilities without seeking bids when no private operators are interested or available.

RICHARD MOORE

Sponsor: Dolan

Handler: Davis (19)

SCS/SB 288 - This act changes the time for the owner of lost property to prove property ownership from one year to 90 days after publication. This act also clarifies the newspapers in which publication is required.

SARAH MORROW

Sponsor: Dolan

Handler: Dempsey

SB 289 - This act names the portion of Highway 71 within Jasper County the "Trooper Charles P. Corbin Memorial Highway".

STEPHEN WITTE

Sponsor: Yeckel

Handler:

SB 292 - This act provides that no person, other than the cardholder shall disclose more than the last five digits of a credit card or debit card account number on a sales receipt provided to the cardholder for merchandise sold in this state.

JIM ERTLE

Sponsor: Vogel

Handler: Deeken

SB 293 - This act modifies the requirement for filing an income tax return to allow the Department of Revenue to specify a minimum income greater than the current law's minimum of \$1,200

for residents and \$600 for non-residents.

JEFF CRAVER

Sponsor: Vogel

Handler: Mayer

SCS/SB 294 - This act gives the Lottery Commission the authority to require a fingerprint background check on any person seeking employment or employed by the commission. The background check includes a check of the Missouri Criminal Records Repository and gives the Commission the authority to run a national check with the FBI, if the Commission deems it necessary.

The act requires the Gaming Commission to conduct a criminal history check, if the Commission feels it is warranted, on certain key persons seeking issuance or renewal of a bingo equipment and supplies manufacturer or supplier license. The Gaming Commission must also do a criminal history check, if the Commission feels it is warranted, on any person seeking employment with the commission and any person seeking the issuance or renewal of an excursion gambling boat license.

This act is similar to SB 367 (2003) and SB 1220 (2002).
JIM ERTLE

Sponsor: Shields

Handler: Schlottach

HCS/SCS/SB 295 - This act modifies the provisions of the delinquent tax collection laws concerning the sale of lands pursuant to such collections.

The act extends the collection laws to include mineral rights and royalty interests with the scope of items subject to sale to discharge a tax lien.

The act removes the provisions that allow partial sales of land to satisfy taxes.

The act reduces the time that the Treasurer must hold the proceeds from the sale on behalf of absent owners from seven to three years. Where there is no trustee in a county or if there is a trustee that has not taken the property after a third offering of sale where no sale occurred, the collector may then

sell property at any time and for any amount.

The act removes the requirement that the collector notify the person entitled to any excess funds from the sale.

Concerning the duty of a purchaser of delinquent property to record the purchase, this act modifies that provision to require recording within two years instead of the current four year requirement.

The act reduces the redemption time for receiving land purchased at a sale from two years to one.

The act extends the Collector's fees to include a title search fee, and allows the collector to charge for the recording fee. When a collector charges for the recording fee he or she is responsible for recording the deed.

The act modifies the provisions concerning the rights of subsequent purchasers where a primary purchaser has caused taxes on the property to become delinquent. In such case, the first purchaser will forfeit all liens on such property.

JEFF CRAVER

Sponsor: Griesheimer

Handler: Sutherland

HS/HCS/SCS/SB 296 - Currently, the State Board of Education offers three professional levels of teaching certificates. This act replaces the three-tier system with a two-tier system comprising of an initial four-year professional certificate and a career continuous professional certificate.

Possessors of the initial professional certificate shall:

- (1) Participate in a mentoring program approved and provided by the district for a minimum of two years;
- (2) Complete thirty contact hours of professional development which may include classroom hours in an appropriate college curriculum; and
- (3) Participate in a beginning teacher assistance program.

The career continuous professional certificate shall be issued upon successful completion of four years of teaching under, and completion of the requirements for, the initial professional certificate and shall:

(1) Be perpetual, based upon verification of actual employment in an educational position; and

(2) Be valid, provided that the possessor annually and successfully completes fifteen contact hours of professional development. However, the professional development requirements shall be waived for any individual who has a professional development plan in place with their local school district and who meets two of the following three criteria: ten years of teaching experience; a master's degree; rigorous national certification as approved by the state board of education.

The act contains a provision which allows the possessor of a valid career continuous professional certificate who is not exempt from the professional development requirements and who fails to meet the annual fifteen-hour professional development requirement to, within two years, make up the missing hours. If the possessor of a career continuous professional certificate fails to make up the missing hours within two years, that person's certificate shall become inactive. In order to reactivate the certificate, the possessor must complete twenty-four contact hours of professional development within six months of reactivating their certificate.

Further, this act allows a teacher who has not been employed in an educational position for three years or more to reactivate their last level of certification by completing twenty-four contact hours of professional development six months prior to or after reactivating their certificate.

Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of their current certificate, be issued the appropriate level of certificate based upon the classification system established by this act.

Also, the act exempts all valid teaching certificates issued prior to September 1, 1988 from the professional development requirements of the act.

Additionally, the act mandates that the State Board grant, upon an appropriate background check, a teaching certificate aligned with an applicant's current area of certification, commensurate with the years of teaching experience, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state. Further, this substitute removes a provision from Section 161.092, RSMo, which articulates a similar, yet conflicting, policy in this regard.

Further, the act allows the State Board to assess a fee to holders of an initial professional certificate for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance.

Current law allows holders of a doctor of philosophy degree to be granted a certificate under certain conditions. This act replaces the term "doctor of philosophy" with "doctoral degree".

Also, this act adds "enticement of a child" and "attempting to entice a child" to the list of sexual offences for which a certificate of license to teach may be either revoked or not issued.

When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate, the local board of education or DESE shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

Further, this act adds a condition to the State Board of Education's authority to classify the public schools of this state. The act states that any rule requirements for the purpose of classifying the public schools must be in place for two years prior to implementation. However, the "two years prior to implementation" condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or state law.

This act contains the provisions of the SCS/HCS/HB 281 and the HCS/SS/SCS/SB 265.

DONALD THALHUBER

Sponsor: Griesheimer

Handler: Johnson (47)

CCS/HCS/SS/SCS/SB 298 - This act removes a provision of the liquor control law which has been found unconstitutional as a violation of the Establishment Clause of the First Amendment to the U.S. Constitution and as an improper delegation of sovereign power to a church, in "Larkin v. Grendel's Den", 459 U.S. 116. The act no longer allows a Board of Directors of a school or the managing Board of a church to grant a waiver for the sale of intoxicating liquor within one hundred feet of their respective school, church, or other building regularly used as a place of

religious worship.

The act allows the governing body of any city, town or village by ordinance to prohibit the sale of intoxicating liquor within three hundred feet of a school, church, or other building regularly used as a place of religious worship. The act changes the time of opening from 11:00 a.m. to 9:00 a.m. for the sale of packaged liquor at retail and the sale of liquor on Sundays in restaurant bars, amusement places, and places of entertainment. The act also changes the time on Sundays in which intoxicating liquor by the drink may begin being sold from 11:00 a.m. to that of 8:00 a.m. on property in Jackson County that is primarily used for professional sporting events. Further, the act changes the time on Sundays in which intoxicating liquor by the drink at retail for consumption on the premises of any restaurant bar or in an establishment having at least forty rooms for the overnight accommodation of transient guests may begin being sold from 11:00 a.m. to that of 9:00 a.m.

The act prohibits the holder of a microbrewer's license, his agents, or affiliates from possessing more than ten licenses to sell intoxicating liquor by the drink at retail for consumption on such premises. Further, the act exempts microbrewer's who hold a license to sell intoxicating liquor by the drink at retail for consumption on the premises to sell their product that was produced on-site without complying with Section 311.280, RSMo. However, all other intoxicating liquor sold by the drink at retail for consumption on the microbrewer's premises must be obtained in compliance with Section 311.280, RSMo.

To obtain a permit to sell malt liquor in excess of three and two-tenths percent and below that of five percent by weight, in the original package, not for resale, a fee of fifty dollars rather than fifteen is now required. Any person licensed to sell malt liquor containing alcohol in excess of three and two-tenths percent by weight and not in excess of five percent by weight under Section 311.200(2) RSMo, may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

A fee of fifty dollars shall be required of all licensees who may sell malt liquor at retail by the drink for consumption on the premises where sold, pursuant to Section 311.200(3), RSMo. Such license holders may sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday. A fee of fifty dollars shall be required of all license holders of a permit to sell malt liquor and fine wines of less than fourteen percent by weight at retail per year.

A fee of fifty dollars shall be required of all licensees

who may sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold

The act, in Section 311.260, divides the current statutory language into a more understandable form and adds an exemption to the limit of three liquor licenses pursuant to Section 311.260, RSMo, for establishments having at least forty rooms for the overnight accommodation of transient guests.

The act adds a new Subsection to Section 311.280, RSMo, which prohibits a licensed retailer from selling liquor or nonintoxicating beer with an alcohol content below five percent by weight to a customer in an original carton, if the carton has been mutilated, torn apart, or cut apart. Additionally the retailer may not repackage said substance in a misleading manner or if required labeling would be omitted or obscured.

The act combines the subsections of Section 311.290, RSMo, which addresses the prohibition of the sale, gift, or other disposal of intoxicating liquor between the hours of 1:30 a.m. and 6:00 a.m. by a license holder on or about the owners premises.

The act allows a license holder for the sale of intoxicating liquor to make such sales between the hours of 9:00 a.m. and midnight on sundays upon receipt of a special licenses for such purpose.

The act modifies Section 311.325 RSMo, resulting in language that states a manufacturer-sealed container describing the intoxicating liquor therein need not be opened or tested to verify said liquid is contained therein for purposes of Chapter 311, RSMo. An alleged violator may challenge that the contents of the container are not an nonintoxicating liquor, but the burden of proof is on the alleged violator.

The act clarifies that Section 311.328 RSMo, applies only to a valid or unexpired operator's or chauffeur's license. The act also expands the requirement of presentation of identification for the purpose of purchasing alcohol and the like to residents of all states rather than only five as in current law.

The act removes subsection 2 of Section 311.360, RSMo, which addresses the sale of malt liquor that is manufactured at a facility other than that of the individual who's name appears on the label.

The act repeals provisions of current law that allow savings and loan association and credit unions to sell intoxicating liquor they have repossessed as collateral.

The act restricts the sale of nonintoxicating beer to establishments that have a license for the sale of intoxicating liquor.

The act, in Section 311.630, RSMo, allows peace officers designated under the Director of Alcohol and Tobacco Control to make arrests and searches and seizures related to violations of intoxicating liquor and nonintoxicating beer pursuant to Chapters 311 and 312, RSMo. Further such individuals may make arrests, searches and seizures related to violations of Section 407.924 to 407.934, RSMo, which relate to tobacco products. The act removes the stated training requirements for such peace officers and in lieu of such requirements, requires that the individual be appointed, qualified under Section 311.620, RSMo, and hold a valid peace officer license under Chapter 590, RSMo.

The act modifies Section 312.407, RSMo, resulting in language that states a manufacturer-sealed container describing the nonintoxicating beer therein need not be opened or tested to verify said liquid is contained therein for purposes of Chapter 312, RSMo. An alleged violator may challenge that the contents of the container are not an nonintoxicating beer, but the burden of proof is on the alleged violator.

The act, under Section 312.410, RSMo, modifies current language and prevents a license holder from selling, giving or permitting consumption of any nonintoxicating beer between the hours of one-thirty a.m., and six a.m. upon or about the license holders premises.

The establishment of the Division of Liquor Control can not be found in statute thus, a new section is created which establishes such Division and revises its name to that of the Division of Alcohol and Tobacco Control.

Additionally, to reflect the name change of the Division of Liquor Control and the Supervisor of Liquor Control to that of the Division of Alcohol and Tobacco Control and Supervisor of Alcohol and Tobacco Control, this act makes the stated name change in every location where the term "liquor control" is found in the act. For all other locations within statute where the Division of Liquor Control or Supervisor of Liquor Control is referred, a provision of the new section states that such terms shall mean the Division of Alcohol and Tobacco Control and the Supervisor Alcohol and Tobacco Control.

No person less than nineteen years of age shall be permitted to dance in an adult cabaret. Any individual less than nineteen who dances in an adult cabaret or allows such person to dance is guilty of a Class A misdemeanor.

The act requires a liquor retailer to attach a label to each keg that is sold for off-premise consumption. The purchaser of the keg is required to present positive identification, and the retailer must keep records regarding the identification of the keg and purchaser. The purchaser must also sign a statement acknowledging that the misuse of the keg or its contents may result in civil liability, criminal prosecution, or both. The retailer must keep the registration records for three months. The retailer may not refund a keg deposit unless the label is attached to the keg when returned. The provisions of law regarding keg registration become effective on July 1, 2004.

Certain establishment who qualifies for a intoxicating liquor license within St. Louis City or Jackson County and such establishment is located within a resort area, convention trade area or enterprise zone may apply for a Sunday by the drink license for the hours between 9:00 a.m. and midnight.

RICHARD MOORE

Sponsor: Champion

Handler: Bearden

CCS/HS/SCS/SBs 299 & 40 This act provides that the Budget Director must develop and implement a performance-based budgeting system that establishes goals and objectives, provides detailed measures of program and fund performance against attainment of planned outcomes, and provides for program evaluation. The Governor may consider outcome measures used for each program and fund as compared with the attainment of the established goals and objectives of the program and fund over the past three fiscal years in preparing budget recommendations to the General Assembly. The General Assembly shall consider such outcome measures and attainment of goals and objectives for each program and fund in approving appropriation levels for each program and fund.

The Governor's budget recommendations, which are annually submitted to the General Assembly, shall include all outcome measures and attainment of established goals and objectives of each program and fund for the past three fiscal years and the projected outcome measures for each program and fund for the

current fiscal year and the next two fiscal years, the most recent reports done by the State Auditor's office, and any evaluations done by the Oversight Division of the Committee on Legislative Research.

The act requires a performance based budgeting review of each Department and agency at least once every five years, beginning after January 1, 2005. The chairpersons of the House Budget Committee and Senate Appropriations Committee and the Director of the Division of Budget and Planning shall review the outcome measures used for programs and funds within the department, division or agency being reviewed.

This act creates the Missouri Sunset Act. Each new program enacted into law will sunset after a period of not more than six years. A program may be re-authorized for a period of up to twelve years. The Committee on Legislative Research may recommend to the general assembly that existing programs also be sunset.

Two years before a program is scheduled to sunset, the agency responsible for administering the program is required to submit certain information regarding the public need for the program to continue in existence to the Committee. The Committee shall then hold public hearings and issue a report to the general assembly with recommendations on whether the program should continue, be reorganized, sunset or consolidated within state agencies not under review. Any recommendations that do not require statutory change shall be presented to the state auditor and used by the auditor in its next scheduled audit of the program to see how the agency has implemented the recommendations.

Programs that have been inactive for the two-year period prior to the scheduled sunset may be exempted from reporting, hearing and evaluation requirements. During each legislative session, Committee staff shall monitor legislation affecting programs that have undergone review and periodically report to the Committee any proposed legislative changes that would modify prior recommendations. Nothing in this act precludes the general assembly from terminating a program at an earlier date.

A program that is sunset shall continue in existence until September first of the following year. Any moneys remaining after sunset shall be transferred to general revenue. Property and records shall either go to the office of administration or a designated state agency. Bond indebtedness and other written obligations shall remain in effect until the terms are completed and paid in full.

Sponsor: Dolan

Handler: Dempsey

SB 314 - This act repeals a doubly-enacted section regarding the towing of motor vehicles from private property.

STEPHEN WITTE

Sponsor: Stoll

Handler: Selby

SB 317 - This act establishes a deadline of December 15, 2003, for a Missouri Consolidated Health Care Plan study which is presently required by law but possesses no deadline for completion. The study regards the feasibility of including within the plan individuals who are employees of eligible agencies which have not elected to join the plan or who are retirees of school districts.

DONALD THALHUBER

Sponsor: Days

Handler: Haywood

SB 321 - This act requires persons discharged from prison or parole, after serving his or her sentence, to be informed in writing of the process and procedure to register to vote.

SARAH MORROW

Sponsor: Steelman

Handler: Shoemaker

HCS/SB 325 - This act compels the board of each public school district to require each district school to devote one class period to an observance of the significance of Veterans Day.

Current law permits veterans of WWI, WWII, and the Korean War who entered the military before graduating from high school to receive an honorary high school diploma. The act deletes references to specific wars and allows any veteran who left high school to enter the military to apply for an honorary diploma.

This act repeals the current law requiring the Recorder of Deeds to maintain a list of all military discharges and requiring the records to be open to the public. This act replaces the aforementioned language with new provisions which regard the

county recorder of deeds' responsibilities pertaining to the filing of certified military discharge documents, including a prohibition on any reproduction or use of military discharge documents for any commercial or speculative purposes.
DONALD THALHUBER

Sponsor: Gross

Handler: Sutherland

SB 327 - This act provides that the Real Estate Appraisers Commission may require that some or all of the real estate appraising experience of an applicant for licensure be obtained in this state.

Upon request by the Commission, certified and licensed real estate appraisers must make certain records available for inspection or copying at the expense of the appraiser. Currently, when litigation is contemplated, reports and records must be retained for three years after the trial date. This act requires the records and reports to be retained for two years after the final disposition.

JIM ERTLE

Sponsor: Caskey

Handler: Cooper

SB 330 - This act allows the Division of Child Support Enforcement to send income withholding orders and orders to enroll to employers by either regular or certified mail.
LORIE TOWE

Sponsor: Yeckel

Handler: Luetkemeyer

HCS/SS/SCS/SB 346 - This act modifies a number of laws associated with banking.

The Missouri Higher Education Loan Authority is authorized to consolidate existing parent loans for undergraduate students ("PLUS"). The date for repayment of bonds issued by the Missouri Higher Education Loan Authority is extended from 30 to 40 years.

Duties of parties regarding the creation of liens on certain

watercraft are modified to provide that the director of revenue shall mail the certificate of title with the new and address of the new lienholder to the owner named in the certificate of title, not the first lienholder named in the certificate.

The Director of the Division of Finance is authorized to obtain data filed with federal regulatory agencies in lieu of requiring direct filing of reports of condition from financial institutions. The Director may require verification of the data from such institutions. During the Director's examination of a bank or trust company, if the director relies upon audits by a C.P.A., the Director must be afforded access to any workpapers used as a basis for the audit. Auditors are required to keep such workpapers for a minimum of three years.

The definition of "bank" is modified to specifically include chartered commercial banks and national banks in this state. The definitions of "demand deposits" and "time deposits" are modified to provide that payment of such deposits can be required as provided in federal law. Currently, payments can be required within 30 days.

Banks are authorized to purchase or lease real property in an amount not exceeding its legal loan limit and may derive income from the renting or leasing of such property. Should the purchase or lease exceed the legal loan limit or be from an interested party, such bank must seek prior approval from the Director of the Division of Finance. Banks and trust companies, savings and loan associations and credit unions may impose fees or service charges on deposit accounts, subject to certain promulgated rules.

The act creates a definition of a "trust holding company" and authorizes the formation of a trust holding company in Missouri. The Director of the Division of Finance is required to determine if a proposed acquisition by a trust holding company of a trust company is consistent with the interests of having sound trust companies. The Director is authorized to grant or deny the proposed acquisition. The Director may examine and investigate trust holding companies.

This act modifies provisions of the Uniform Commercial Code. Any transaction that complies with Articles 3, 4 and 9 of the Code shall not be subject to common law claims other than those specifically provided for in the Code. Consumer transactions are included in the rules for secured transactions when the amount of a deficiency or surplus is in issue.

Variable rate agreements are subject to certain statutes

limiting fees and charges until the extension of credit is paid off or the debtor requests an extension or refinancing. At the time of such request, the creditor may convert the credit extension to a loan contract or times sales agreement, provided the same statutes limiting fees and charges will still apply.

Property distributable in the course of a demutualization, rehabilitation or related reorganization of a mutual insurance company is considered abandoned 2 years after the property is first distributable if certain conditions regarding contact with the owner are met. The initial report for such property must be filed no later than November 1, 2003.

The act deletes certain sections in Chapter 408, RSMo, concerning variable interest rates. Sections 408.653 and 408.654 regarding fee limitations and limits for overdraft charges are also repealed.

This act increases the allowable handling fee an institution may charge for processing a refused instrument to \$25. Currently, an institution may charge up to \$15.

A lender on a second mortgage loan is authorized to assess a handling fee for processing a refused instrument of \$25. Currently, a lender may assess a fee of up to \$15.

This act modifies the allowable charge for a late payment of an installment or minimum payment to \$15 or an amount not to exceed 5% of each installment or minimum payment due, whichever is greater. Currently, the allowable charge is \$25 or an amount not to exceed 5% of each installment or minimum payment due, which is less.

The default charge on any second mortgage loan for any payment not paid in full within 15 days of its scheduled due date is modified to \$15 or an amount not to exceed 5% of each installment or minimum payment due, whichever is greater. Currently, the allowable charge is \$25 or an amount not to exceed 5% of each installment or minimum payment due, which is less.

This act allows the Division of Finance to issue biennial consumer credit licenses for certain finance companies. One-half of the fees would be paid at the time of licensing and the remaining balance one year later.

This act is similar to TAT version of SCS/HCS/HB 221 (2003) and SB 496 and SCS/SBs 364 and 365 (2003).

JIM ERTLE

Sponsor: Dougherty

Handler: Johnson (61)

SCS/SB 351 - This act changes the procedure in which parental or guardian consent is noted for the organ donation process of minors. Current law requires parental or guardian consent to be noted on the minor's donor card, the application for the donor's instruction permit or driver's license, or other document of gift. This act states that parental or guardian consent can be noted on the permit or license instead of the application and on the driver's license as the attorney-in-fact.
LORIE TOWE

Sponsor: Stoll

Handler: Harris

HCS/SB 355 - This act allows persons registering their vehicles to make a \$1 donation to the organ donor program. The act also requires that parental or guardian consent be noted on a minor's donor card, donor's instruction permit, or driver's license as the attorney-in-fact.
STEPHEN WITTE

Sponsor: Stoll

Handler: Harris

SB 356 - This act changes the terminology used in the organ donation license law. This act clarifies the law by eliminating the phrase "making an organ donation" and replacing it with the term "inclusion in the organ donor registry" or "registry participation".
STEPHEN WITTE

Sponsor: Shields

Handler: Yates

SB 357 - This act provides that the venue for administrative actions involving real property shall be in the circuit court of the county where the real property is located.
JIM ERTLE

Sponsor: Shields

Handler: Brown

HCS/SCS/SB 358 - This act provides that the governing body of Platte county or any city located within such county shall approve all annual general operating expenditures from their respective general revenue funds to local election boards.

JIM ERTLE

Sponsor: Foster

Handler: Cunningham (86)

SB 371 - This act allows the Missouri Higher Education Loan Authority (MOHELA) to provide loans to high school juniors and seniors for non-sectarian tuition and other costs of students enrolled in advanced placement or college credit courses.

This act is similar to portions of the SCS/HB 1113 (1996).
DONALD THALHUBER

Sponsor: Bartle

Handler: Luetkemeyer

HCS/SCS/SB 373 - This act adds the definitions of "no commercial value," "private sale" and "public sale" to Chapter 415, RSMo. It changes the disclosure requirement for liability insurance to that of casualty insurance. The act clarifies the fact that the time requirements of Section 415.415, RSMo, subsection (2) and (4) run concurrently. Further, it corrects the current statute and refers to the proper section for the definition of "commercially reasonable manner" under the Uniform Commercial Code.

The act also requires the operator prior to sale of the occupants property to only notify those lienholders disclosed by the occupant pursuant to Section 415.410, RSMo. It also removes the current occupant notice requirement prior to denial of access, allowing the operator to deny access to the leased space once an occupant is in default.

RICHARD MOORE

Sponsor: Caskey

Handler: Cooper

SB 376 - This act changes the body that certifies a deputy

coroner from the County Officials Training Commission to the Missouri Coroners and Medical Examiners Association.

RICHARD MOORE

Sponsor: Champion

Handler: Wright

CCS/HCS/SCS/SB 379 - This act, in certain situations, allows the governing body of the City of Springfield upon a written request from a real property owner within the city, and following a public hearing, to remove real property from a district or transfer real property from one class designation of a district to another class designation. The governing body may only take such actions if the Board consents to such removal, the district can meet its financial obligations following the proposed transfer and the hearing is conducted following proper notice being given.

This act is identical to HB 277 (2003).

RICHARD MOORE

Sponsor: Dolan

Handler: Schneider

SB 383 - This act provides that certain recorded documents must be proven or acknowledged. The act removes the requirement that such documents must be proven and acknowledged "according to law".

JIM ERTLE

Sponsor: Scott

Handler: Luetkemeyer

HCS/SCS/SB 385 - This act establishes that when calculating administrative surcharges, the amount shall be based upon the total premiums that would have been paid for the deductible portion. The Second Injury Fund surcharge owed by the employer who purchases a deductible policy will be assessed upon the total premiums which would have been paid in the absence of the deductible option. The premium taxes owed pursuant to Chapter 287, RSMo, for workers' compensation policies with deductible options, shall be based upon the total premiums paid upon the insurance policy excluding the deductible portion of the policy.

The portion of the workers' compensation policy with a deductible option that is subject to an administrative surcharge shall not be subject to premium taxes, nor with respect to foreign insurance companies, or the retaliatory tax imposed pursuant to Section 375.916, RSMo.

In order to fund the Workers Compensation Division, the Division Director may impose a surcharge on every workers compensation deductible plan policyholder insured pursuant to Chapter 287, RSMo. Sections 287.716, and 287.717, RSMo, set out procedures regarding the calculation and application of the surcharge.

This act is similar to HB 490 (2003).
RICHARD MOORE

Sponsor: Klindt

Handler: King

SB 388 - This act increases the amount to eligible borrowers that can be guaranteed from the Single Purpose Animal Facilities Loan Guarantee Fund from 25% to 50% of the amount borrowed with a limit of \$250,000. This act decreases the amount to total outstanding guaranteed loans for immediate redemption of 20% of the outstanding loans at any one time. This amount is decreased from 40%.

SARAH MORROW

Sponsor: Bartle

Handler:

CCS/HCS/SB 394 - This act allows a signature on any document filed with the Secretary of State under Chapter 351 RSMo, to be done by a facsimile, conformed signature or electronically transmitted signature.

Notice of postponement of a shareholders meeting no longer must precede the date originally set for the meeting.

A class or series of stockholders may elect directors in accordance with the article of incorporation, provided the articles of incorporation allow such an election. The term of office and voting powers of such directors may be greater or less than those of other directors. When vacancies occur in such directorships, a majority of the then existing directors of such

class, classes or series may fill the vacancy. A corporation in its articles of incorporation or by action of its Board of Directors may waive in advance opportunities the corporation might be entitled under the corporate opportunity doctrine.

Mergers or consolidations solely between certain general partnerships are governed by provisions of the Uniform Partnership Law. The act revises the procedure for mergers and consolidations under the Uniform Partnership Law and authorizes domestic general partnerships to merge or consolidate with other business entities. A shareholder with voting rights who objects to a merger or consolidation is given the right to appraisal if the objection is filed prior to the meeting of the shareholders. Such remedy shall be the exclusive remedy of the shareholder, except in cases of fraud or lack of authorization for the transaction. The agreement or merger shall be approved by the number or percentage of general and limited partners specified in the partnership agreement.

Provisions of this act are similar to SB 310 and SB 395 (2003).

JIM ERTLE

Sponsor: Caskey

Handler: Mayer

HCS/SB 399 - This act expands Section 217.360, RSMo, the crime of delivering any controlled substances, alkaloid, personal property, gun, knife or other weapon to prisons, to include city and county jails and private prisons and jails.

SARAH MORROW

Sponsor: Dolan

Handler: Pratt

HCS/SB 401 - This act adds to the definition of crime under Chapter 595, RSMo. For the purposes of this chapter, a crime occurs at the time of the commission or attempted commission of the crime. The act also increases the amount of money deposited from the Crime Victims' Compensation Fund to the state forensic laboratory account from \$250,000 to \$500,000.

JIM ERTLE

Sponsor: Klindt

Handler: Luetkemeyer

CCS/HCS/SB 407 - This act modifies the cancer clinical trial provision by removing some language which would have made the provision applicable to other life-threatening diseases. The act also provides that the cancer clinical trial mandate shall not apply to certain types of policies such as accident-only policies.

STEPHEN WITTE

Sponsor: Childers

Handler: Wood

SB 423 - This act designates a portion of Highway 65 in Taney County from Highway 265 South to the Arkansas border "Trooper Jimmie Linegar Memorial Highway".

This act also designates a portion of Route 19 to Route 154 in Ralls County as "The Short Line Railroad Spur Historic Trail".

STEPHEN WITTE

Sponsor: Scott

Handler: Mayer

SB 425 - This act modifies how the place of death of an individual is determined. An individual who is being transferred into this state from another or from one county within this state to another, for emergency medical treatment and who dies in transit or while in the emergency room, the place of death shall be that of where the individual was first removed.

The coroner or medical examiner from the transferring county is responsible for the death certificate and investigating the cause and manner of death. However, a coroner or medical examiner in the county where the individual actually dies may upon authorization of the coroner or medical examiner of the transferring county, investigate and conduct postmortem examinations at the expense of the transferring county.

The coroner, medical examiner or emergency room staff of the county where the individual actually dies must immediately notify the proper authorities of the transferring county, and shall make available information necessary to conduct a death investigation.

If an individual who has been transferred across state or county lines seeking medical treatment dies after being admitted

as a patient to a medical facility, the coroner or medical examiner of the county where the individual actually dies or the medical facility must notify the proper authorities of the transferring county of the death.

In the case of death by homicide, suicide, accident, child fatality or any unusual or suspicious manner the investigation of the cause and manner of death shall revert to the county of origin.

Except as provided elsewhere in this act, following the death of an individual, if the body is transferred to another county or state for the purpose of burial, the transferring county is responsible for the death certificate and death investigation.

RICHARD MOORE

Sponsor: Griesheimer

Handler: Threlkeld

SB 426 - This act changes the period of time a state employee, who is certified by the American Red Cross as a disaster service volunteer, may be granted leave with pay. Under this act a state employee could be granted leave for up to one hundred twenty-work hours rather than the fifteen calendar days as under current law.

RICHARD MOORE

Sponsor: Gibbons

Handler: Threlkeld

SB 431 - This act modifies the law pertaining to the informed consent for experimental treatments on adults that are being treated by accredited teaching hospitals.

LORIE TOWE

Sponsor: Bartle

Handler:

SCS/SB 447 - This act establishes the "Basic Civil Legal Services Fund." The fund is to be administered by the Missouri Supreme Court. Moneys for the fund shall come from an additional filing fee on certain civil and criminal actions of \$20 in the

of the Judicial Conference to be filled for the unexpired term of any member as provided by resolution of the Judicial Conference.
SARAH MORROW

Sponsor: Gross

Handler: Goodman

SB 463 - Section 355.331 was amended by the General Assembly in SB 768 (1996) to increase the term of office for directors of nonprofit corporations from five to six years. The Missouri Supreme Court then found that bill to be in violation of the clear title requirement in the Constitution. Thus, the amendment to Section 355.331 was invalidated and the law went back to a term of five years for a director.

However, once SB 768 passed, the Revisor of Statutes amended the section to show the term limit of directors to be six years in the printed version of the Revised Statutes. This act makes a substantive change in the law by increasing the term of office for a director from five to six years.

JIM ERTLE

Sponsor: Bartle

Handler: Mayer

HCS/SB 465 - This act modifies the annual report of the Judicial Finance Commission to include separate information on all divisions of the circuit court of each county, including the probate division. The act provides that for budgeting disputes between counties and circuit courts that are submitted to the Judicial Finance Commission within 90 days of the end of a fiscal year, the Commission shall resolve the dispute within 90 days of the beginning of the subsequent fiscal year.

This act is similar to a portion of SB 446 (2003).

JIM ERTLE

Sponsor: Bartle

Handler: Mayer

SCS/SB 466 - The act provides for a standard fee or charge for sheriffs, county marshals or other officers for services in certain types of criminal cases.

after notification of the Office of State Courts Administrator.

The act provides that moneys from the law library fund may be used by Butler and Ripley counties for courtroom renovation and technology enhancement.

This act is similar to a portion of SB 446 (2003).

JIM ERTLE

Sponsor: Gross

Handler: Smith (14)

SCS/SB 478 - This act includes landscape architects in statutes concerning the right to practice and the use of a personal seal. Currently, only architects, professional engineers and professional land surveyors are included in such sections.

This act creates an inactive license status for architects. An inactive licensee shall not practice as an architect in this state, but may continue to use the title "architect". In order to reinstate such license to active status, the licensee must meet certain competency requirements established by the board of architects, professional engineers, professional land surveyors and landscape architects.

An inactive license status is created for psychologists. An inactive licensed psychologist shall not hold himself or herself out as being professionally engaged in the regular practice of psychology and shall not engage in the regular practice of psychology. Inactive licensees do not have to complete continuing education. An inactive licensee may reactivate the license by completing a committee-approved application, paying required fees, and submitting proof of current competency.

JIM ERTLE

Sponsor: Scott

Handler: Behnen

SB 492 - This act removes a provision that addresses the ability of an individual to qualify for registration as a commercial interior designer (Section 324.409.2).

RICHARD MOORE

Sponsor: Clemens

Handler: Wasson

HCS/SB 504 - This act authorizes the City of Springfield, with approval of the governing authority of the city and the Department of Economic Development, to designate an additional satellite enterprise zone. The city must submit a plan to the Department of Economic Development describing how the zone corresponds to the city's overall enterprise zone strategy.

JEFF CRAVER

Sponsor: Clemens

Handler: Avery

SB 506 - This act includes the use of lasers within the definition of the practice of dentistry.

This act is identical to HB 1743 (2002).

LORIE TOWE

Sponsor: Kinder

Handler: Holand

SB 511 - This act establishes the Joint Committee on the Life Sciences. The Joint Committee will be composed of seven members from the Senate, who will be appointed by the President Pro Tem and the Senate's minority floor leader, and seven members from the House, who will be appointed by the Speaker and the House's minority floor leader. Members shall serve until a successor is appointed. One Senate member and one House member shall be selected as a chairperson and vice-chairperson, with the chairpersonship alternating between the Senate and the House every two years.

The Joint Committee will be responsible for making recommendations that support life sciences research and commercialization in the following areas:

- Legislative implementation of Missouri's strategic plan for life sciences;
- Executive branch actions and policies;
- State investments;
- Changes in Missouri's tax system;
- Laws and policies designed to eliminate barriers and encourage new start-up life sciences companies in Missouri;
- Laws and policies that encourage the retention and recruitment of existing life sciences companies and life scientists; and

- Coordination of Missouri's existing scientific resources, including colleges and universities.

The Joint Committee will meet quarterly and members shall serve without compensation but may be reimbursed for any expenses incurred. The Joint Committee must compile an annual report to be submitted to the General Assembly by January 15th each year.

LORIE TOWE

Sponsor: Kennedy

Handler: Daus

SCS/SB 513 - This act only applies to the St. Louis City police department. It removes the deference given to the Board of Police when granting paid vacation based on the number of years of service by the member. Further, the act removes the deference given to the Board when granting paid holidays to a member.

RICHARD MOORE

Sponsor: Gross

Handler: Bearden

SB 522 - This act enables a county to submit to a vote a sales tax of one fifth of one percent for capital improvement purposes. Current law authorizes every aspect of this tax already, except for the specific rate of one-fifth of one percent. Current law allows for various rates to be voted on from one-eighth to one-half of one percent.

JEFF CRAVER

Sponsor: Childers

Handler: Wallace

SB 529 - Under this act, any railroad which transverses state lines and which is domiciled in Missouri may be designated by the Division of Tourism as an official state railroad.

STEPHEN WITTE

Sponsor: Cauthorn

Handler: Stefanick

SB 534 - This act includes definitions for "protective oversight" and "voluntary leave" in the Omnibus Nursing Home Act.

Protective oversight is defined as a twenty-four hour awareness of the location of a resident and the ability to intervene and supervise the nutrition, medication, and care of the resident.

Voluntary leave is defined as an off-premise leave initiated by a competent resident or the legal guardian of an incompetent resident.

LORIE TOWE

Sponsor: Jacob

Handler:

SB 537 - This act authorizes the Boone County Counselor to prosecute certain misdemeanors in order to seek a civil fine of not more than \$1,000 per violation. Fines collected pursuant to this act shall be paid into the county general fund to be used to pay for the cost of enforcement of such misdemeanors.

JIM ERTLE

Sponsor: Gross

Handler: Parker

SB 540 - This act prohibits the holder of a microbrewer's license, its agents, or affiliates from possessing more than ten licenses to sell intoxicating liquor by the drink at retail for consumption on such premises. Further, the act exempts microbrewers who hold a license to sell intoxicating liquor by the drink at retail for consumption on the premises to sell their product that was produced on-site without complying with Section 311.280, RSMo. However, all other intoxicating liquor sold by the drink at retail for consumption on the premises must be obtained in compliance with Section 311.280, RSMo.

RICHARD MOORE

Sponsor: Caskey

Handler: Pearce

SCS/SB 546 - This act permits Johnson County to hold an

election to impose a landfill fee for the benefit of the county. The fees, which may not exceed \$1.50 per ton will be collected by the landfill operation.

These provisions are also contained in SS/SCS/SBs 361,103, 156 & 329 (2003).
RICHARD MOORE

Sponsor: Caskey

Handler: Johnson (47)

HCS/SCS/SB 547 - This act removes one of the two salary schedules from the law setting salaries of county treasurers in Jackson County, and in second, third and fourth class counties. The schedule being removed had a lower minimum and maximum salary range than the one left in statute. Further, the act allows This act would allow the Cole County salary commission the one time opportunity to equalize the salaries of all office holders and remain equal form that point on. The language allows for additional compensation as law requires.

RICHARD MOORE

Sponsor: Champion

Handler: Yates

SB 548 - This act would require the Joint Committee on Legislative Research to file a report annually which will list the provisions of law which will be expiring within the next two years.

CINDY KADLEC

Sponsor: Yeckel

Handler: Byrd

SB 552 - This act expands the list of property exempt from attachment to clarify that all qualified retirement plans will be exempt.

CINDY KADLEC

Sponsor: Kinder

Handler: Black

CCS/HS/HCS/SS/SCS/SB 555 - This act allows certain aluminum smelting facilities to contract for the purchase of electric power and energy and delivery services and such contract shall not be subject to Public Service Commission (PSC) jurisdiction regarding rates. Such facility shall not resell the electric power and energy to any party except the original provider.

The initial contract must meet certain criteria. No local electric service utility shall have any obligation to supply or deliver backup, peaking for emergency power to the facility. Once the aluminum smelting facility has purchased electric power pursuant to this act, no past supplier shall have any obligation to provide electric power and energy and delivery services except as required by written contract. The provisions of the act are recognized as being highly unique and shall not be interpreted as condoning the suitability of retail electric restructuring.

The act also expands the ability of cities to procure electric current and ancillary services not only from other cities but from other lawful providers. Such a contract may be for a period and upon such terms as the parties agree and will not require regulatory or public approval beyond the approval of the governing body of the city.

This act has an emergency clause.

CINDY KADLEC

Sponsor: Kinder

Handler: Sutherland

HS/HCS/SS/SS/SCS/SBs 556 & 311 - This act modifies various provisions relating to the protection of the elderly.

The Department may request the past five years compliance history for out-of-state home health agency applicants (Section 197.416).

The Department of Health and Senior Services shall provide through their Internet website the most recent survey of every home health agency and any deficiencies. The agency's response to the survey will be posted on the website. If a survey is in dispute, the survey will not be posted until the agency's dispute has been resolved. The website shall also include the agency's proposed plan of correction and a link to the federal web site. The Department is not required to post any information on its website that is confidential pursuant to the Health Insurance

Portability and Accountability Act (Section 197.478).

The Department must maintain an employee disqualification list for home health agencies. The terms "knowingly" and "recklessly" are defined for placement on the employee disqualification list for employees of entities licensed pursuant to Chapter 197, RSMo, that have been finally determined by the Department to have abused and neglected a patient. "Abuse" and "neglect" have the same meaning as specified in Section 198.006, RSMo. A person acts "knowingly" with respect to the person's conduct when a reasonable person would be aware of the nature of the person's conduct. A person acts "recklessly" when consciously disregarding a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and the disregard is a gross deviation from the reasonableness standard (Section 197.500).

Section 197.725, RSMo, pertaining to the licensing of necessary provider hospitals, is repealed.

Section 198.006, RSMo, provides definitions for long-term care facilities.

Any person, who operates or maintains an unlicensed residential care facility I or II, intermediate care facility, or skilled nursing facility, will be guilty of a class D felony if abuse or neglect occurs. Any complaint concerning the operation of an unlicensed facility must be investigated by the Department. The Department must investigate all complaints of abuse and neglect within 24 hours. The Department shall investigate all other complaints involving the unlicensed facility within 45 days. The Department shall immediately notify the Attorney General's office of any violations of Sections 198.006 to 198.186, RSMo (Section 198.015).

The staff of a facility shall prepare copies of records requested by the Department within two business days or as determined by the Department. The Department cannot remove or disassemble any medical record during an inspection of the facility, but may observe the photocopying or make their own copies if the facility lacks the technology. The Department may request from an out-of-state applicant the compliance history of all out-of-state facilities owned by the applicant from the previous five years (Section 198.022).

If a facility submits satisfactory documentation that a deficiency contained within the written report has been corrected, an on-site reinspection may not be required (Section 198.027).

Every residential care facility I or II, intermediate care facility, and skilled nursing facility must post the most recent inspection report in a conspicuous place. Operators may redact any individually identifiable health information prior to posting an inspection report (Section 198.030).

The Department must maintain a hot-line caller log for the reporting of suspected abuse and neglect in long-term care facilities. The Department must attempt to obtain the name and address of any person making a report after obtaining relevant information regarding the alleged abuse or neglect. The identity of the person making the report will remain confidential (Section 198.032).

The Department may revoke a license if the operator denied the Department access to residents and employees, except where the employees of the facility are rendering immediate care to the residents. If the operator or anyone involved in the operation has ever knowingly acted or knowingly failed to perform any duty that materially or adversely affected the health, safety, welfare, or property of a resident, or if the operator or anyone involved in the operation has ever been convicted, pled guilty, or nolo contendere to a felony relating to the management of a facility, then the Department can also revoke the facility's license. The Department shall not have access to information that is not necessary to carry out the duties of Sections 198.006 to 198.186, RSMo (Section 198.036).

The Department shall impose sanctions that are commensurate with the seriousness of the violation found to have occurred. For Class I, II, and III violations, the remedies specified in this section may be imposed (Section 198.066).

Section 198.067 states that the maximum amount of civil penalties shall be twenty-five thousand dollars. The range of fines are: Class I: \$1,000 to \$10,000; Class II: \$250 to \$1,000; and Class III: \$50 to \$250.

When the Department imposes a Class I fine, the fine shall be incurred immediately, regardless of any subsequent correction. Class II and III fines shall be imposed if the violation remains uncorrected at the time of re-inspection (Section 198.067(3)).

The civil monetary penalties shall be distributed as follows: 25% to the Elderly Home-Delivered Meals Trust Fund, 25% to the Nursing Facility Quality of Care Fund to be used for the sole purpose of supporting quality care improvement projects within the Office of State Ombudsman for Long-Term Care Facility

Residents, and 50% to the Nursing Facility Quality of Care Fund to assist qualified nursing facilities to improve the quality of service to the residents (Section 198.067(6)).

The Department shall not impose a fine for self-reporting Class II and Class III violations so long as the violation is corrected within a specified amount of time and there is no reoccurrence of the particular violation for twelve months. Civil penalties shall remain the sole liability of the operator and cannot be sold, transferred, or assigned to any successor (Section 198.067(11)-(12)).

Section 198.070(1) provides a list of the mandated reporters who must immediately report suspected abuse and neglect of eligible adults or persons sixty years of age and older to the Department.

Any administrator of a facility that knowingly conceals an act of abuse or neglect that results in death or serious physical injury will be guilty of a Class D felony. Any person who abuses or neglects a resident of a facility shall be subject to criminal prosecution pursuant to Sections 565.180, 565.182, and 565.184, RSMo (Section 198.070).

The terms "knowingly" and "recklessly" are defined for placement on the employee disqualification list. A person acts "knowingly" with respect to the person's conduct when a reasonable person would be aware of the nature of the person's conduct. A person acts "recklessly" when consciously disregarding a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and the disregard is a gross deviation from the reasonableness standard (Section 198.070).

The staff of a residential care facility I and II, intermediate care facility, or a skilled nursing facility shall attempt to contact the resident's immediate family or responsible party and shall contact the attending physician and notify the local coroner or medical examiner immediately upon the death of a resident and prior to transferring the deceased to a funeral home (Section 198.071).

Nursing assistants must complete the training program within four months of employment. The training program can be offered at any facility licensed or approved by the Department (Section 198.082).

Participants in the demonstration project are not prohibited from accommodating family members and caregivers, who reside with

the resident, in accordance with the facility's life, health and safety standards (Section 198.086).

The Department must promulgate rules for the determination, selection or removal of qualified receivers. The Department must also maintain a list of qualified receivers that have submitted a written request for a receivership of a facility. When a petition is filed, the Director of the Department must select the first name on the list and notify the person of their selection, the name of the facility, and the grounds for receivership. Names from the list will be chosen in consecutive order for each additional petition filed (Section 198.105).

Nursing home districts are prohibited from evicting, harassing, or retaliating against a resident or employee because of any reported violations made by the resident, resident's family, or employee of the facility. Residents and employees of a facility may obtain information regarding their rights and protections from the Department's telephone referral and information line (Section 198.301).

If the Division of Family Services is unable to make a determination regarding Medicaid eligibility within sixty days of the submission of a completed application for medical assistance for nursing facility services, then the patient will be Medicaid eligible until the application is approved or denied. However, the benefits shall not commence prior to the date of application (Section 198.428).

Section 198.525 allows residential care facilities I and all skilled nursing facilities, including those attached to acute care hospitals, to be inspected at least twice a year.

The Department may reduce the frequency of inspections to once a year if the facility is found to be in substantial compliance. Substantial compliance will be based on previous inspection reports, the facility's history of compliance, the number and severity of complaints received about the facility, and the facility having no changes in ownership, operator, or if the Department finds it significant, a change in Director of Nursing. Any employee of the Department who knowingly discloses the time of an unannounced inspection will be guilty of a Class A misdemeanor and will be immediately terminated (Section 198.526).

The Department shall provide through their website the most recent survey of every long-term care facility and any deficiencies. The facility's response to the survey will be posted on the Internet website. If a survey is in dispute, the survey will not be posted until the dispute has been resolved.

The website shall also include the facility's proposed plan of correction and a link to the federal web site. The Department is not required to post any information on its website that is confidential pursuant to the Health Insurance Portability and Accountability Act (Section 198.528).

Technical changes were made to Section 198.532 to reference the "Department of Social Services" instead of the "Division of Aging".

The Department of Health and Senior Services must establish a "Uniform Data Management Pilot Program" at a minimum of fifty facilities to improve patient care and retain nursing staff. The nature and extent of the pilot program shall be determined by the Department. Implementation of the pilot program will begin six months after funding is made available. The pilot program shall encourage the modernization of compiling and disseminating data and enable nursing facility staff to devote more time to providing quality patient care. The Department must monitor the pilot program and report to the General Assembly by January 1st in the year following enactment on the effectiveness of the program (Section 198.600).

The Department must promptly contact appropriate law enforcement agencies if they are unable to substantiate that abuse occurred due to the lack of cooperation of the operator and employees of the facility (Section 565.186).

Section 565.188 provides a list of mandated reporters who must immediately report suspected abuse and neglect of eligible adults or persons sixty years of age and older to the Department.

Financial exploitation of an elderly or disabled person is a Class A misdemeanor if the property is less than \$50, a Class D felony if the property is \$50 but less than \$500, a Class C felony if the property is \$500 but less than \$1000, and a Class B felony if the property is \$1,000 or more (Section 570.145).

Mental health facilities may disclose necessary information and records to the Department of Health and Senior Services for the investigation of abuse or neglect (Section 630.140).

Any person who purposely files a false report of abuse or neglect to the Department of Mental Health will be guilty of a Class A misdemeanor. Any person having a prior conviction of filing a false report of abuse or neglect will be guilty of a Class D felony (Section 630.165).

Technical changes were made to Section 660.078 to reference

the "Department of Health and Senior Services" instead of the "Division of Aging".

New language in Section 660.250 modifies the definitions for "department" and "eligible adult" and includes definitions for "home health agency", "home health agency employee", and "home health patient".

If the Department is conducting an investigation but is unable to access an eligible adult, the court may grant a warrant or other order to enter the premises, require production of information, and enjoin interference with an investigation (Section 660.270).

Section 660.300(1) provides a list of mandated reporters who must immediately report suspected abuse and neglect of an in-home services client to the Department.

If the client's physician makes a report of suspected abuse or neglect, the Department shall continuously contact the physician regarding the progress of the investigation. The Department must also notify the client's case manager when a report of abuse or neglect is made. Local area agencies on aging must provide volunteer training to all required reporters regarding the detection and report of elder abuse (Section 660.300(1)-(11)).

If an in-home service provider fails to report abuse or neglect, the Department may impose a fine of \$1,000 per violation against the provider. Providers may seek administrative review of the decision and may appeal to the circuit court. Violation is defined as a determination of guilt (Section 660.300(12)).

The Department must establish a quality assurance and supervision process. The process must require random visits or other approved methods to verify provider compliance and the accuracy of records (Section 660.300(13)).

The terms "knowingly" and "recklessly" are defined for placement on the employee disqualification list. A person acts "knowingly" with respect to the person's conduct when a reasonable person would be aware of the nature of the person's conduct. A person acts "recklessly" when consciously disregarding a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and the disregard is a gross deviation from the reasonableness standard. An in-home services provider will be guilty of a Class A misdemeanor for knowingly employing a person who is on the disqualification list, who refuses to register with the Family

Care Safety Registry, or who is listed on any of the background check lists in the Registry (Section 660.300(14)).

Once a client is assessed for level of care, the Department must conduct a "Safe At Home" evaluation. The evaluation tool should be developed by rule. The plan of service for each client should be authorized by a nurse and the in-home services provider nurse may conduct the assessment, if authorized by the Department. Other departments may be consulted on a case-by-case basis. The Department may also refer any client to a mental health professional, if necessary. Authorized nurse visits shall be at least twice a year and reimbursed to the in-home services provider. The reimbursement shall be outside of the nursing home cap for in-home services clients whose services have reached 100% of the average statewide charge for care and treatment. All clients will be advised of their rights at the initial evaluation, including the right to call the Department for any reason. The Department must establish a process to receive nonabuse and neglect calls (Section 660.300(15)-(18)).

Once a report is received, the Department of Social Services shall immediately begin an investigation and contact the appropriate law enforcement agencies (Section 660.305).

The Department of Health and Senior Services is required to give written notice of any proposed action, such as suspension, probation, and termination, to in-home service providers. In-home service providers must be given administrative appeal rights (Section 660.310).

Any employer, who must discharge an employee that was placed on the employee disqualification list after the date of hire, will not be charged with unemployment insurance benefits (Section 660.315).

Prior to any contact with patients and residents, criminal background checks must be conducted on all full-time, part-time, or temporary employees that are hired or contracted for an employment agency. Providers must request a nationwide criminal FBI background check for out-of-state applicants who have not resided in Missouri for five consecutive years and have no employment history with a licensed Missouri facility during that five year period. The total cost to the provider of any background check shall not exceed five dollars and shall be paid to the state. State funding and the obligation of a provider to obtain a nationwide criminal background check shall be subject to appropriations (Section 660.317).

Upon request, the Department must provide the Division of

Employment Security with copies of the investigative reports that led to the placement of the employee on the employee disqualification list (Section 660.320).

The Department is prohibited from disclosing any personally identifiable medical, social, personal, or financial records of an eligible adult, except by court order. The Department of Health and Senior Services, the Department of Mental Health, the Department of Social Services, the Attorney General, appropriate law enforcement, and the eligible adult can access these records for examination or copying without a court order (Section 660.321).

Regional ombudsman coordinators and ombudsman volunteers shall have the authority to report abuse and neglect to the hot-line operated by the Department. If the nursing home administrator is unwilling to work with the ombudsman program to resolve complaints, the state Ombudsman shall be notified (Section 660.603).

LORIE TOWE

Sponsor: Griesheimer

Handler: Jackson

SCS/SB 562 - This act authorizes the Governor to convey state property located at Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific. Further, the act authorizes the Department of Corrections and the Department of Transportation to consent to a municipal boundary adjustment so as to include certain public property and right-of-ways into the City of Pacific.

RICHARD MOORE

Sponsor: Shields

Handler: Schaaf

SB 577 - This act authorizes the Governor to convey an easement in the form of a right-of-way in the City of St. Joseph.

RICHARD MOORE

Sponsor: Shields

Handler: Schaaf

SB 578 - This act authorizes the Governor to convey a tract

of land owned by the State in the County of Platte, commonly known as Trimble Microwave Relay Site.

RICHARD MOORE

Sponsor: Childers

Handler: Wilson

SB 598 - This act establishes the "Corporal Bobbie J. Harper Memorial Highway" on U.S. Highway 71 within McDonald County.

STEPHEN WITTE

Sponsor: Coleman

Handler: May

SB 606 - This act grants the Department of Natural Resources the power to convey up to five acres of land as part of a land trade with adjacent land owners to resolve park boundary conflicts, so long as the department receives land of equal or greater fair market value in exchange.

RICHARD MOORE

Sponsor: Clemens

Handler: Luetkemeyer

SB 611 - This act allows County Agricultural and Mechanical Societies to borrow money and mortgage property.

SARAH MORROW

Sponsor: Kennedy

Handler: Johnson (61)

SB 618 - This act requires the Director of the Department of Mental Health, in partnership with the Department of Health & Senior Services, to design a state suicide prevention plan. The Departments of Mental Health and Health and Senior Services shall work collaboratively with the Departments of Social Services, Elementary and Secondary Education, Higher Education, and Corrections to develop the plan.

The state suicide prevention plan must:

1. Promote the use of employee assistance and workplace programs to support employees with depression, psychiatric illnesses, and substance abuse disorders;
2. Promote the use of student assistance and educational programs to support students with depression, psychiatric illnesses, and substance abuse disorders;
3. Provide training and technical assistance to local public health and community-based professionals on the best practices to prevent suicides;
4. Establish a toll-free suicide prevention hotline;
5. Coordinate with federal, state and local agencies in order to collect and analyze data on suicide and suicidal behaviors;
6. Annually issue a public report; and
7. Recommend any statutory changes and implementation and funding requirements of the plan.

The proposed state suicide prevention plan must be submitted to the General Assembly by December 31, 2004.

This act is similar to HB 59 (2003) and HB 269 (2003).
LORIE TOWE

Sponsor: Loudon

Handler: Dempsey

SCS/SB 620 - This act implements various economic development concerning targeted industries, enterprise zones and job training programs at community colleges. The major provisions of the act are as follows:

Essential and targeted industries (Sections 100.710, 100.840, 100.850, RSMo): The above sections within the Missouri Business Use Incentives for Large-Scale Development Act (BUILD) are modified to allow for retention projects in "essential industries".

The act adds to the purview of "eligible industries" those that meet the following requirements:

- Must be a "targeted industry", i.e. one that is critical to state's economic security and growth as determined by the Department of Economic Development (DED) and affirmed by the Joint Committee on Economic Development Policy & Planning;

- Must be located in a city meeting certain population

parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies);

- Must have had at least 2,000 jobs at the project site for each of the five preceding years;

- Must retain the number of jobs (actual number of jobs not the 2,000 minimum) for the duration of the BUILD certificates (10 15 years); and

- Must invest at least \$500 million (new investment) in the project.

The act also eliminates the cumulative cap and replaces it with an annual tax credit cap of \$11 million.

Regarding the Enterprise Zone Program: (new Sections 135.276, 135.277, 135.279, 135.281, 135.283, RSMo):

This part of the act contains new provisions that build on existing enterprise zone law concerning retention projects. The act follows the pattern of existing enterprise zones except as follows:

- Must be an "essential industry" to be eligible to apply for the retention program:

- Must be a "targeted industry" one that is critical to state's economic security and growth as determined by DED and affirmed by the Joint Committee on Economic Development Policy & Planning;

- Enterprise zone must include all or part of a city meeting certain population parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies)

- Must have had at least 2,000 jobs at the project site for the five preceding years;

- Must retain the jobs for 10 years (actual number of jobs not the 2,000 minimum);

- Must invest at least \$500 million (new investment) in the project over 2 year period within first 5 years of project;

- DED must consider soundness of project;

- Local incentives must be provided;
- Wages must exceed average wage of county;
- The incentive must be needed to make a project remain in MO; and
- Company must be considering another state for the project.

The act offers a refund mechanism:

- Eligible to apply if tax credits exceed taxable income for facility by \$1 million;
- No more than 2 million refund in any year;
- Cannot receive refund for more than five consecutive years;
- If tax credits exceed taxable income by more than \$2 million, those credits can be carried forward for refund purposes.

Community College New Jobs Training Program (Section 178.892, RSMo) - Modified to allow for retention projects in "essential industries":

- Must be a "targeted industry" one that is critical to state's economic security and growth as determined by DED and affirmed by the Joint Committee on Economic Development Policy & Planning;
- Must be located in a city meeting certain population parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies);
- Must have had at least 2,000 jobs at the project site for the five preceding years;
- Must retain the jobs (actual number of jobs not the 2,000 minimum) for the duration of the CCNJT certificates (8 years);
- Wages must exceed average wage of county.

The act changes the calculation of the tax increment for super-tif financing for businesses which relocate their national headquarters from out-of-state to allow for a use

of the portion of the full new state revenues generated rather than only the incremental increase in new state revenues generated over the revenues generated in the base year.

The act will terminate January 1, 2006 if a project has not been approved by DED by December 31, 2005. If a project has been so approved, act will terminate on January 1, 2020.

The act has an emergency clause.

JEFF CRAVER

Sponsor: Loudon

Handler: St. Onge

SCS/SB 621 - Under this act, the owner of any property located within any home rule city having a population of more than 26,200 but less than 26,300 inhabitants who permits derelict vehicles to remain on his or her property shall be liable for the removal of the derelict vehicles if they are declared a public nuisance.

This act shall not apply to agricultural or horticultural property, property containing any licensed vehicle service or repair facility, or to property in which the derelict vehicle is enclosed in a permanent structure designed for vehicle storage. To declare the derelict vehicle to be a public nuisance, the governing body of the city shall give a hearing upon 10 days notice. At the hearing, the governing body may declare such vehicles to be public nuisances and order them abated within 5 days. If the nuisance is not abated within such time period, the governing body shall have the nuisance abated and assess the cost of the removal to the owner.

This act shall terminate on August 28, 2004

RICHARD MOORE

Sponsor: Foster

Handler: Mayer

SB 623 - This act creates procedures for challenges to fiscal notes and fiscal note summaries prepared for initiatives and referenda.

If the Attorney General or the circuit court of Cole County

determine that a fiscal note or fiscal note summary has been incorrectly prepared, the note or summary shall be returned to the state auditor for revision. Such note or summary cannot be certified by the secretary of state until approved by the attorney general or the court.

Any citizen challenging the fiscal note of a proposed measure shall include in the petition the reasons why such fiscal note or fiscal note summary is insufficient or unfair. The petition shall request a different fiscal note or fiscal note summary. The court shall consider the petition, hear arguments and decide to either certify the fiscal note or fiscal note summary or remand it to the state auditor for preparation of a new fiscal note or fiscal note summary.

JIM ERTLE

Sponsor: Steelman

Handler: Townley

SB 651 - This act names the "Norton/Cynthiana" grape the official state grape of Missouri.

SARAH MORROW

Sponsor: Bland

Handler: Bland (43)

HCS/SCS/SB 666 - This act requires school districts with multiple attendance centers containing the same grade levels to, no later than July 1, 2004, develop, and make available to the public, a policy regarding the transfer of that school district's students to other schools within the district.

DONALD THALHUBER

Sponsor: Gross

Handler:

CCS/HCS/SCS/SB 675 - This act charges certain funds that are currently immune from the biennium fund sweep (to which most other funds are subjected) with a two year interest charge (July 1, 2001, to June 30, 2003), deposited in the general revenue fund.

The act also transfers a fixed dollar amounts in various

NONPARTISAN, UNCONTESTED SCHOOL BOARD ELECTIONS - Currently, school board elections are excluded from a provision of law which states that an election shall not take place if the number of candidates who have filed for a particular office is equal to the number of positions in that office. This section removes the aforementioned school board election exclusion (Section 115.124).

MEMBERSHIP QUALIFICATIONS FOR SCHOOL BOARDS - The act asserts that no school board of any public school shall hire a spouse of any member of such board unless the position has been advertised pursuant to board policy and the superintendent of schools submits a written recommendation for the employment of the spouse to the board of education. The names of all applicants as well as the name of the applicant hired for the position are to be included in the board minutes (Section 162.261).

This section contains provisions similar to the perfected SB 422.

SCHOOL DISTRICT BOUNDARY CHANGES - This act applies standards to be utilized by the Board of Arbitration in determining whether a proposed school district boundary change is necessary. The standards for such a determination include the presence of: school-aged children in the affected area; actual educational harm to school-age children (significant differences in transportation time or educational opportunities); an educational necessity, not a commercial benefit to landowners (Section 162.431).

This section contains the provisions of SB 519.

MEMBERSHIP QUALIFICATIONS FOR SCHOOL BOARDS - This act removes a provision of law which disallows any person from running for the Board of Education of the St. Louis Public Schools who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity. Second degree of affinity or consanguinity is defined as a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law (Section 162.601).

This section contains provisions of the perfected SB 422.

EDUCATIONAL SERVICE AGENCIES - This act authorizes school districts to designate an educational service agency, organized as a nonprofit corporation, for the purpose of developing, managing, and providing instructional services or programs to the participating district or districts (Section 162.1180).

This section contains provisions identical to HB 400 and similar to SB 204.

ALTERS CONDITIONS BY WHICH A SCHOOL DISTRICT MAY TRANSFER MONEYS TO AND FROM CERTAIN FUNDS - The act deletes a provision which disallows school districts from making expenditures for certain lease purchase obligations from the district's capital projects fund unless the district levies, in the current year, a tax rate in the capital projects fund which is sufficient to generate revenues equal to or greater than the amount of such expenditure and collects such revenues and credits such revenues to the capital projects fund.

Further, the act alters the conditions by which a school district may transfer moneys from the incidental fund to the capital projects fund. The subsections prescribe that any amount expended from the incidental fund for classroom instructional capital outlays must be subtracted from the 9% of the district's entitlement used to calculate the limit on such transfers.

Also, the act modifies the qualifications for school districts making transfers from the incidental fund to the capital projects fund by deleting the minimum levy and lease-purchase conditions and substituting compliance with provisions concerning compensation of certificated staff in the second preceding year or payment of all penalties for the second preceding year (Subsections 2,4 & 7 - Section 165.011)

These subsections contain several of the provisions of the SCS/SB 215.

The act allows school districts to transfer unrestricted funds from the capital projects fund to the incidental fund in any year in which that year's June 30 combined incidental and teachers funds unrestricted balance compared to the combined incidental and teachers funds expenditures would be less than ten percent without such transfer (Subsection 13 - Section 165.011). The provisions of this subsection are identical to SCS/SB 686.

The act clarifies provisions relating to qualified zone academy bonds by formulating fiscal procedures for school districts that have issued qualified zone academy bonds pursuant to federal law but have incorrectly handled the placement of the bond proceeds in the districts' accounts (Subsection 14 - Section 165.011). The provisions of this subsection are similar to those contained in HB 706.

The act allows two specific school districts to make a one-

time additional transfer from the incidental fund to the capital projects fund for the completion of a sewer project (Subsection 15 - Section 165.011).

The act allows one specific school district to make a one-time additional transfer from the incidental fund to the capital projects fund for the purpose of improving the library media and technology center that serves the district's high school and middle school (Subsection 16 - Section 165.011).

The act lays out conditions under which certain school district may refinance certain lease-purchase obligations (Subsection 17 - Section 165.011). This subsection contains one of the provisions of the SCS/SB 215. Section 165.011 contains an emergency clause.

SALARY COMPLIANCE PROVISIONS - This act asserts that in any fiscal year that the state distributes 96% or less for the formula than it did in fiscal year 2002, certain districts shall not be obligated to comply with the salary compliance provisions of Section 165.016, RSMo. The act prescribes that the district must have unrestricted fund balances in the combined incidental and teacher funds on June 30th of the preceding year which is equal to or less than seventeen percent of the combined expenditures for the preceding year from these funds as a condition for said non-compliance.

Further, this act articulates another set of specifications school districts may meet in order to be exempt from the salary compliance provisions of the section:

- School districts with ten percent or more of its assessed valuation owned by one person or corporation who is delinquent in a property tax payment;

- School districts with unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than one half of the local property tax revenue for the previous year; and

- School districts which receive in the current fiscal year ninety-six percent (or less) of their fiscal year 2002 formula distribution (Section 165.016).

This section contains provisions similar to the SS/SCS/SB 264. This section contains an emergency clause.

DELETES SCHOOL YEAR START DATE PROVISION - This act removes a provision of law which prohibits public schools from beginning

the school year earlier than September 1 (Section 171.031).

SCHOOL DISTRICT ADVERTISING/BID REQUIREMENTS - This act raises from \$12,500 to \$15,000 the threshold utilized in order to require bids for school construction projects. It clarifies that the two-consecutive-week advertisement requirement is met with advertisements once a week within the two consecutive weeks and that advertising may be in business or trade papers (Section 177.086).

BOARD OF THERAPEUTIC MASSAGE'S EDUCATIONAL REQUIREMENTS FOR LICENSURE - The Board of Therapeutic Massage has promulgated a rule (4 CSR 197-2.010) which requires as a condition for application for a massage therapy license that a person complete "massage therapy studies consisting of at least five hundred (500) clock hours of supervised instruction in a Coordinating Board of Higher Education(CBHE) certified school". However, the CBHE only certifies private schools.

This act adds a provision to the Board of Therapeutic Massage's educational requirements for licensure by stating that the board must allow clock hours of supervised instruction at a vocational technical school as an option for candidates applying for a massage therapy license (Section 324.245).

PIPELINE CAPACITY COSTS FOR SCHOOLS WHICH AGGREGATELY PURCHASE NATURAL GAS - This act requires the Public Service Commission to treat a gas corporation's pipeline capacity costs for schools which aggregately purchase natural gas in the same manner as large industrial or commercial basic transportation customers (Section 393.310).

MENINGOCOCCAL DISEASE/ON-CAMPUS HOUSING - The act requires every public institution of higher education in this state to require all students who reside in on-campus housing to sign a written waiver stating that the institution has provided the student with detailed written information of the risks associated with meningococcal disease and the availability and effectiveness of the meningococcal vaccine (Section 1).

DONALD THALHUBER

Sponsor: Nodler

Handler: Ruestman

SB 697 - This act designates a portion of Interstate 44 within Jasper and Newton County as the George Washington Carver Memorial Highway.

Sponsor: Gross

Handler:

SCR 1 - This resolution rejects the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

JIM ERTLE

Sponsor: Dougherty

Handler: Bland

SCS/SCR 8 - The resolution renames the St. Louis Central Office of the Division of Workforce Development the Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development.

RON KIRCHOFF

Sponsor: Steelman

Handler:

SCR 11 - This resolution directs the Department of Health and Senior Services, in conjunction with the Department of Insurance and any teaching hospital under the control of public universities in this state, to evaluate the establishment of a "Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program". The Pilot Program shall be subject to appropriations and implemented six months after funding is made available if the Department has concluded the Program is beneficial. The Pilot Program will develop and incorporate educational programs into the preoperative consultation and informed consent process, including the value of second opinions.

LORIE TOWE

Sponsor: Nodler

Handler: Richard

SS/SCS/SCR 13 - This resolution creates a subcommittee within the Joint Committee on Legislative Research. The subcommittee will be charged with investigating ways to reduce costs to state government and increase quality of services to

citizens through utilizing private resources within certain aspects of the state government. The subcommittee will consist of 16 members. Four members will be from the Senate, four from the House, four will be representatives of private business appointed by the House, and four will be representatives of private business appointed by the Senate. In each of these four groups, at least two from each group shall be from the minority party. The Senate and House will collaborate to ensure that the 16 members are representative of the state population from both a racial and gender perspective.

The subcommittee may provide for reasonable compensation for its non-legislative members. The subcommittee will first meet by the first Friday following the September veto session. The subcommittee will report to the Legislature by 1/15/04 and again by 12/31/04.

The subcommittee will expire at the end of the 92nd General Assembly.

JEFF CRAVER

	Governor	House
GR	\$ 15,257,390	\$ 13,346,489
FEDERAL	3,850,460	5,881,197
OTHER	15,251,358	15,357,359
TOTAL	\$ 34,359,208	\$ 34,585,045

	Senate	Final
GR	\$ 13,364,698	\$ 13,320,811
FEDERAL	5,855,618	5,875,382
OTHER	15,382,936	15,882,936
TOTAL	\$ 34,603,252	\$ 35,079,129

NATURAL RESOURCES

	Governor	House
GR	\$ 10,511,883	\$ 7,758,112
FEDERAL	46,997,879	46,997,879
OTHER	275,730,991	275,730,991
TOTAL	\$333,240,753	\$330,486,982

	Senate	Final
GR	\$ 8,899,923	\$ 8,936,771
FEDERAL	46,923,817	46,923,817
OTHER	275,756,445	276,069,445
TOTAL	\$ 331,580,185	\$ 331,935,033

CONSERVATION

	Governor	House
GR	\$ 0	\$ 0
FEDERAL	0	0
OTHER	126,951,038	126,951,038
TOTAL	\$126,951,038	\$126,951,038

	Senate	Final
GR	\$ 0	\$ 0

GR	\$43,989,121	\$43,657,288
FEDERAL	11,773,979	11,773,979
OTHER	30,131,247	27,268,972
.		
TOTAL	<u>\$85,894,347</u>	<u>\$82,700,239</u>

.	Senate	Final
GR	\$ 41,902,145	\$41,902,145
FEDERAL	12,829,508	12,829,508
OTHER	29,970,099	29,970,099
.		
TOTAL	<u>\$ 84,701,752</u>	<u>\$84,701,752</u>

JUDICIARY

.	Governor	House
GR	\$143,144,169	\$139,277,594
FEDERAL	16,439,957	16,439,957
OTHER	6,347,831	6,765,751
.		
TOTAL	<u>\$165,931,957</u>	<u>\$162,483,302</u>

.	Senate	Final
GR	\$137,310,898	\$137,546,348
FEDERAL	16,869,957	16,869,957
OTHER	6,347,831	6,347,831
.		
TOTAL	<u>\$160,528,686</u>	<u>\$160,764,274</u>

PUBLIC DEFENDER

.	Governor	House
GR	\$30,611,874	\$28,457,844
FEDERAL	125,000	125,000
OTHER	1,215,734	1,215,734
.		
TOTAL	<u>\$31,952,608</u>	<u>\$29,798,578</u>

.	Senate	Final
GR	\$26,020,093	\$28,111,874
FEDERAL	125,000	125,000

appointed by February 1, 2004. The Advisory Council shall:

- Hold public hearings to gather information relating to pain management;
- Make recommendations on acute and chronic pain management practices;
- Analyze statutes, rules, and regulations relating to pain management;
- Study the use of alternative therapies and any sanctions imposed;
- Examine the needs of adults, children, the terminally ill, and minorities that have acute and chronic pain;
- Review the pain management education materials provided by professional licensing boards;
- Make recommendations to health care professionals for integrating pain management into their practices;
- Make recommendations regarding continuing education requirements for pain management;
- Review guidelines issued by the U.S. Department of Health and Human Services; and
- Prepare an annual report to deliver to the Speaker, Pro Tem, and Governor by February 1st of each year.

Members of the Council will serve without compensation but may be reimbursed for any expenses incurred. The Department of Health and Senior Services will provide administrative support and current staff as necessary to the Council.

Section 630.900 requires the Director of the Department of Mental Health, in partnership with the Department of Health and Senior Services, to design a state suicide prevention plan. The Departments of Mental Health and Health and Senior Services shall work collaboratively with the Departments of Social Services, Elementary and Secondary Education, Higher Education, and Corrections to develop the plan. The state suicide prevention plan must:

- Promote the use of employee assistance and workplace programs to support employees with depression, psychiatric illnesses, and substance abuse disorders;
- Promote the use of student assistance and educational programs to support students with depression, psychiatric illnesses, and substance abuse disorders;
- Provide training and technical assistance to local public health and community-based professionals on the best practices to prevent suicides;
- Establish a toll-free suicide prevention hotline;
- Coordinate with federal, state and local agencies in order to collect and analyze data on suicide and suicidal behaviors;

- Annually issue a public report; and
- Recommend any statutory changes and implementation and funding requirements of the plan.

The proposed state suicide prevention plan must be submitted to the General Assembly by December 31, 2004.

A new Section 633.032 requires the Department of Mental Health to develop a plan to address the needs of persons who are on a waiting list for services. The plan must emphasize the partnership between developmentally disabled individuals and their families, community providers, and state officials. The plan shall include:

- A method for reducing the waiting period to ninety days;
- A description of available services;
- An evaluation of the capacity to serve more individuals;
- A method of adjusting support and service levels based on individual needs;
- A method for determining when 24-hour out-of-home care is necessary;
- A description on how the plan will be implemented;
- An analysis of the monetary effects to providing services to all eligible individuals and their families.

The plan must be completed by November 1, 2003, and submitted to the General Assembly and the Governor.

LORIE TOWE

Sponsor: Sutherland

Handler: Griesheimer

SCS/HB 60 - This act extends the time period for refund or credit of an overpayment of property taxes that have been erroneously or mistakenly levied upon a taxpayer from one to three years.

JEFF CRAVER

Sponsor: Ruestman

Handler: Childers

HB 75 - This act allows any qualified applicant for the "SILVER STAR" license plate to obtain two sets of plates. Currently, only one set of plates is allowed. This act also provides that apportioned motor vehicles or commercial motor

Sponsor: Portwood

Handler: Shields

SS/SCS/HS/HCS/HB 121 - This act modifies provisions in the law relating to managed care chiropractic services.

New language in section 354.085 holds that whenever a health service corporation or a health maintenance organization submits a policy form to the Director of Insurance, and the Director does not disapprove the form within 45 days (up from 30 days), the form is deemed approved and is not subject to disapproval for 12 months. If during the 12-month period the Director determines that any provision of the policy is contrary to statute, the Director shall notify the health service corporation or HMO of the specific provision that is contrary to statute and may request that it file an amendment within 30 days to modify the provision so that it conforms with the statute.

Upon approval of the amendment by the Director, the health services corporation or HMO shall issue a copy of the amendment to each individual or entity in which the deemed policy form was previously issued. The health services corporation or HMO may issue the conforming amendment to the group contract holder so that it can distribute the amendment to its members or by including a copy of the amendment in the health services corporation's next scheduled mailing to its members. Such amendment have the force and effect as if the amendment was in the original filing or policy (Sections 354.085 and 354.405). (These provisions are contained within SB 452).

A managed care plan's network is deemed adequate if the managed care plan is:

- (1) A Medicare + Choice coordinated care plan offered by the health carrier pursuant to a contract with the federal centers for medicare and medicaid services;
- (2) A managed care plan that has been accredited by National Committee for Quality Assurance (NCQA), and such accreditation is in effect at the time the access plan is filed;
- (3) The managed care plan's network has been accredited by the Joint Commission on the Accreditation of Health Organizations for network adequacy. If the accreditation applies only to a portion of the managed care plan's network, only the accredited portion will be deemed adequate; or
- (4) A managed care plan that has been accredited by the Utilization Review Accreditation Commission, and such accreditation is in effect at the time the access plan is filed (Section 354.603)(This provision is contained within SB 459).

A new Section 376.1230 requires health carriers to provide coverage for chiropractic care delivered by licensed

chiropractors. The coverage will include initial diagnosis and clinically appropriate and medically necessary services and supplies required to treat a diagnosed disorder. The coverage may be limited to chiropractors within the health carrier's network. Health carriers are not required to contract with a chiropractor outside the health carrier's network nor are carriers required to reimburse for services provided by a non-network chiropractor, unless prior approval has been obtained from the health carrier by the enrollee.

Enrollees may access chiropractic care within the health carrier's network for a total of 26 chiropractic office visits per policy period and may be required to provide the health carrier with notice prior to any additional visits as a condition of coverage. Health carriers may require prior authorization or notification before any follow-up diagnostic tests are ordered by a chiropractor or for any office visits for treatments in excess of 26 office visits in a policy period. Certificates of coverage for any health benefit plan are required to state the availability of chiropractic coverage under the policy and any exclusions, limitations, or conditions of coverage. The mandated chiropractic insurance coverage provided by Sections 376.1230 and 376.1231 does not extend to benefits provided under the any health plan or contract that is individually underwritten, the Medicaid program and other specified insurance policies (This provision is similar to SB 444).

A new Section 376.1231 prohibits health carriers from establishing rates, terms, and conditions of coverage for enrollees which cause a greater financial burden than for enrollees who access treatment for other physical conditions (This provision is similar to SB 444).

The act re-codifies Section 430.225, pertaining to liens of hospitals, health practitioners, and health care providers.
LORIE TOWE

Sponsor: Johnson

Handler: Bland

HCS/HBs 122 & 80 - This act extends the sunset date on the Kansas City public mass transportation sales tax from December 31, 2003, to December 31, 2005. This act also allows Kansas City to use moneys from the public mass transportation trust fund for intracommunity transit services conducted by the interstate transportation authority.

Sponsor: Crawford

Handler: Klindt

HCS/HB 138 - This act establishes within the Department of Corrections a "Corrections Officer Certification Commission" composed of nine members as follows: three members who are corrections officers below the rank of lieutenant, with at least two being members of a statewide association of corrections officers with more than 1,000 members; three members who are corrections officers or supervisors above the rank of sergeant but no more than one major, with at least one being a member of a statewide association of corrections officers with more than 1,000 members; two members whom are sheriffs, at least one being from a county of the third classification; and one member of the general public.

The commission has the authority to cause a job task analysis of corrections officers and to make recommendations to the Department of Corrections, Legislature, or Governor regarding the qualifications, training, testing, and certification of corrections officers. This act also allows the officer's name, certification status and employing corrections agency be an open record.

The Director may remove any member of the commission for misconduct or neglect of office. The member of the commission must first be presented with a written statement of the reasons for the removal.

This act requires that appropriate information relating to an offender be provided to the Department of Corrections including the probable cause statement and a certified copy of the sentence on the standardized form developed by the Office of the State Courts Administrator.

This act emancipates offenders who are younger than 17 years of age who have been adjudicated as an adult in order to make decisions and participate in all Department programs and services.

Violation hearings for offenders who have violated any published rule or regulation of the correctional facility related to conduct are not contested cases under Chapter 536, RSMo, and hearings are not subject to the rules of evidence. Decision of these cases are final and unappealable.

This act is similar to SB 408 (2003).
SARAH MORROW

Sponsor: Mayer

Handler:

HB 141 This act provides that the involved agency or the party requesting an administrative subpoena shall enforce the subpoena at Circuit Court. Currently, only the involved agency is able to enforce the subpoena. The involved agency and any party to the action is permitted to intervene in the enforcement action.

This act is similar to SB 203 (2003).

JIM ERTLE

Sponsor: Johnson

Handler: Bartle

SCS/HCS/HBs 152 & 180 - This act revises various provisions for public employee retirement.

KANSAS CITY POLICE RETIREMENT

This act revises certain provisions of the police retirement systems in Kansas City. The act makes the plans consistent with the provisions of Section 401(a) of the Internal Revenue Code. A member's benefit shall be vested upon the earlier of completing 25 years of service, age 60 with 10 years of service, or age 70 regardless of years of service.

This act also allows members of the Kansas City Police Retirement System to receive their retirement benefits in a partial lump sum. The act allows members with at least 26 years of service to receive an optional distribution under a partial lump-sum option plan. Requirements to make the election are provided. The method for calculating the amount of the lump sum distribution is provided. If a member chooses a lump sum distribution the base pension amount will be reduced according to the provisions in the act.

The act changes the membership of the retirement board. The board will consist of five members. If the city has a civilian employees' retirement system, the five members will consist of one retired member of the police retirement system, one active member of the police retirement system, one member of the civilian employees' retirement system and two other members who are elected. If the city does not have a civilian employees' retirement system, the one member of the civilian employees' retirement system is replaced by another at large member. The method for election to these positions is specified.

These provisions are similar to SCS/SBs 212 & 220.

This act provides active members of the system who are on the retirement board with up to 10 days paid leave to be able to attend meetings and educational seminars approved by the retirement board.

The act authorizes the retirement board and the city to administer early retirement incentives offered to employees in addition to other benefits such members may be entitled to. However, the city shall agree to increase its contribution to provide for the full actuarial costs of the early retirement incentives.

The act also adds a funeral benefit of \$1,000 for members as of August 28, 2003, who die in service or who die after retiring.

These provisions are similar to SCS/SBs 248, 100, 118, 233, 247, 341 & 420 and SB 341 (2003).

JOB-SHARING BY TEACHERS

This act would require the state board of education to adopt rules to facilitate job-sharing by teachers. Job-sharing is defined as a certificated employee who is sharing a position with one other employee, is employed by the district for at least 50% of the workweek, and is spending at least 70% of his or her time in classroom instruction. Teachers in job-sharing positions will receive holidays and leave on a pro rata basis. Certain positions are excluded from job-sharing positions.

Teachers in eligible job-sharing positions will accrue membership service for retirement at the rate of 1/2 year for each regular district year of employment. The contribution rate for job-sharing positions for retirement purposes is one-half the rate for a full-time teacher.

This provision is identical to SCS/SB 503 (2003).

CONTRIBUTION RATE FOR PUBLIC SCHOOL RETIREMENT

The act authorizes the Board of Trustees of the Public School Retirement System and the Non-Teacher Retirement System to fix the contribution rate and certify the rate to the employer. The level rate of contribution for any fiscal year may not exceed the prior year's rate of contribution by more than one half percent. However, no new benefits may be offered until the rate of contribution is reduced back to 10 and one-half percent. These provisions are similar to provisions in SB 233 and SCS/SBs

Sponsor: Phillips

Handler: Cauthorn

HS/HCS/HB 156 - This act requires informed consent at least twenty-four hours prior to an abortion and any person that performs an abortion must provide proof of medical malpractice insurance.

The current language of Section 188.039, RSMo, pertaining to consent is deleted. New language requires a physician to confer with a patient regarding the indicators, contraindicators, and risks of the procedure at least twenty-four hours prior to an abortion, except in a medical emergency. For an abortion induced by drugs, the conference must take place at least twenty-four hours before prescribing the drugs. Only one conference shall be required for each abortion.

At the conclusion of the conference and if the woman chooses to proceed with the abortion, the physician and patient must each sign the consent form that certifies the screening and discussion. The form will become part of the patient's medical file and will remain confidential. The Director of the Department of Health and Senior Services must develop a model consent form for physicians. However, lack of a model form will not affect the physician's duties to obtain consent.

A new Section 188.043 is created and requires any person performing or inducing an abortion to provide proof of medical malpractice insurance with coverage of at least five hundred thousand dollars.

Abortion facilities and hospitals are prohibited from employing any person performing abortions who has failed to furnish proof of medical malpractice insurance. However, the abortion facility or the hospital may provide the medical malpractice insurance for the employee.

The failure to maintain the required medical malpractice insurance shall be an additional ground for sanctioning a person's license, certificate or permit.

The provisions of Section 188.043 will take effect on January 1, 2004.

LORIE TOWE

Sponsor: Shoemaker

Handler: Cauthorn

HB 162 - This act designates a portion of U. S. Highway 63 in Macon County as the "Pearl Harbor Memorial Highway".

STEPHEN WITTE

Sponsor: Baker

Handler: Caskey

HCS/HB 166 - This act provides that any unincorporated area having a private 18 hole golf course community and at least a 100 acre lake within Cass County may incorporate as a city regardless of any proposed annexation of the area by certain cities. Any attempt of a city to annex the unincorporated area shall not be effective until after the voters of the unincorporated area fail to approve the proposed incorporation of the area as a city.

This act exempts any proposed city, town or village located within Cass County from the prohibition against a proposed municipality being organized within two miles of the limits of certain existing cities.

RICHARD MOORE

Sponsor: Seigfreid

Handler: Mathewson

HCS/HB 181 - This act allows the cities of Sweet Springs and Marshall to impose, upon voter approval, a room tax of not more than 5% per night. The tax, if approved, will be used by the city solely for the promotion of tourism and will be in addition to any other tax authorized by law.

JEFF CRAVER

Sponsor: Phillips

Handler: Gross

SCS/HCS/HB 185 - This act creates the Amber Alert System. The Department of Public Safety (DPS) shall develop a system whereby the state will be divided into regions who shall provide

a coordinated effort between local law enforcement agencies and local media within the region to aid in the identification and location of abducted persons. If a local entity does not have an alert system in place, Department of Public Safety will notify local media in their region, who by prearranged plan will issue an alert.

The Amber Alert System shall include all state agencies capable of providing information to the public which at a minimum shall include the Department of Public Safety, Highway Patrol, Department of Transportation, Department of Health and Senior Services, and Missouri Lottery.

The Department of Public Safety will have authority to notify other regions upon the verification that the criteria established by the Amber Alert System Oversight Committee has been met. Participation in a Amber Alert System is entirely at the option of the local law enforcement agency and media.

The act establishes an Oversight Committee who will be responsible for the development of criteria and procedures for the Amber Alert System. The Oversight Committee will be housed in the Department of Public Safety.

The Amber Alert System Oversight Committee will consist of ten members and will be chaired by the Director of Public Safety. Seven members will be appointed by the Governor with advice and consent of the Senate and will serve staggered four year terms. The Oversight Committee will also include a representative of the Highway Patrol and a representative of the Department of Health and Senior Services. The seven members appointed by the Governor shall include the following representatives: two from the Missouri Sheriff's Association; two from the Missouri Police Chief's Association; one large market radio broadcaster; one small market radio broadcaster; one television broadcaster; and one representative from each Alert Missouri region. Members shall not be compensated except for actual and necessary expenses.

This act is similar to HCS/SS/SCS/SB 30 (2003).
CINDY KADLEC

Sponsor: Cooper

Handler: Dolan

HB 187 - This act allows any military veteran with proper documentation to obtain a motorcycle license plate designated "U."

Sponsor: Engler

Handler: Kinder

SS/SCS/HB 208 - This act makes various changes regarding the Public Service Commission (PSC).

ALUMINUM SMELTING - This act allows certain aluminum smelting facilities to contract for the purchase of electric power and energy and delivery services and such contract shall not be subject to PSC jurisdiction regarding rates. Such facility shall not resell the electric power and energy to any party except the original provider.

The initial contract must meet certain criteria. No local electric service utility shall have any obligation to supply or deliver backup, peaking for emergency power to the facility. Once the aluminum smelting facility has purchased electric power pursuant to this act, no past supplier shall have any obligation to provide electric power and energy and delivery services except as required by written contract. The provisions of the act are recognized as being highly unique and shall not be interpreted as condoning the suitability of retail electric restructuring.

This portion has an emergency clause. This portion is identical to CCS/HS/HCS/SS/SCS/SB 555 (2003).

PURCHASE OF POWER BY CITIES - The act also expands the ability of cities to procure electric current and ancillary services not only from other cities but from other lawful providers. Such a contract may be for a period and upon such terms as the parties agree and will not require regulatory or public approval beyond the approval of the governing body of the city.

This portion has an emergency clause. This portion is identical to CCS/HS/HCS/SS/SCS/SB 555 (2003).

TECHNICAL ADVISORY STAFF FOR PSC - The act gives the PSC Commissioners authority to have a technical advisory staff. This staff would consist of a pool of up to six full time employees and each Commissioner could hire up to one personal advisor. Before these employees could be hired the Commission would have to correspondingly eliminate comparable positions within Commission staff to accommodate the hiring of the technical advisory staff such that there would be no net gain of employees to the PSC as a whole and at a cost neutral level. Technical advisory staff must be hired by July 1, 2004. The technical advisory staff would render advice and assistance to the Commissioners and provide relevant updates to the Commission. Each of the technical advisory staff would be subject to the same ex parte communication and conflict of interest requirements as the Commissioners. No person could be hired as part of the

technical advisory staff within two years of employment with certain divisions of the PSC, corporations regulated by the PSC or the Office of Public Counsel. The technical advisory staff will never be a party to proceedings before the PSC.

These provisions are similar to HS/HCS/SCS/SB 246 (2003).

EX PARTE COMMUNICATIONS WITH PSC - The act also delineates standards for the PSC regarding ex parte communications. Commissioners may confer with members of the public, any public utility or similar commission and the act sets for the procedural guidelines for these communications.

These provisions are similar to HS/HCS/SCS/SB 246 (2003).

TELECOMMUNICATIONS - The act allows telecommunications companies to offer term agreements of up to five years on its telecommunications services. Telecommunications companies are also permitted to offer discounted rates and promotions to new or former customers.

These provisions are similar to SCS/SB 246 (2003).

INFRASTRUCTURE REPLACEMENT SURCHARGES - This act allows water corporations in St. Louis County to file a petition with the Public Service Commission to recover costs associated with certain infrastructure system replacements once per year. This charge is referred to as an infrastructure replacement surcharge (ISRS). For water corporations, the ISRS must produce at least \$1,000,000 in revenues but not in excess of 10% of the water corporations's base revenue level. A company seeking approval of an ISRS must have had a general rate proceeding within the last three years to begin or continue collecting the ISRS.

Petition filing requirements for the ISRS are specified in the act as well as factors which may be considered by the PSC in its evaluation of the petition. The corporation is required to reconcile the revenues generated with the underlying costs of the infrastructure replacements. The PSC is given authority to promulgate rules for the implementation of these provisions.

These provisions are contained in SCS/SBs 125 & 290, and CCS/HS/HCS/SS/SCS/SB 361 (2003).

PSC REGULATION OF NOT-FOR-PROFIT ELECTRICAL COOPERATIVES - This act eliminates PSC ratemaking oversight for certain not-for-profit electrical cooperatives whose consumers are its stockholders. The Public Service Commission will still have oversight regarding items affecting the safety and health of

bank or trust company, if the director relies upon audits by a C.P.A., the Director must be afforded access to any workpapers used as a basis for the audit. Auditors are required to keep such workpapers for a minimum of three years.

The definition of "bank" is modified to specifically include chartered commercial banks and national banks in this state. The definitions of "demand deposits" and "time deposits" are modified to provide that payment of such deposits can be required as provided in federal law. Currently, payments can be required within 30 days.

Banks are authorized to purchase or lease real property in an amount not exceeding its legal loan limit and may derive income from the renting or leasing of such property. Should the purchase or lease exceed the legal loan limit or be from an interested party, such bank must seek prior approval from the Director of the Division of Finance. Banks and trust companies, savings and loan associations and credit unions may impose fees or service charges on deposit accounts, subject to certain promulgated rules.

The definition of "unimpaired capital" is modified to provide that goodwill cannot comprise more than 10% of unimpaired capital for purposes of determining lending limits.

The act creates a definition of a "trust holding company" and authorizes the formation of a trust holding company in Missouri. The Director of the Division of Finance is required to determine if a proposed acquisition by a trust holding company of a trust company is consistent with the interests of having sound trust companies. The Director is authorized to grant or deny the proposed acquisition. The Director may examine and investigate trust holding companies.

In Section 400.9-525, the act statutorily enacts the electronic filing of certain initial financing statements and lowers the fee for such filings from \$7 to \$5. The uniform commercial code transition fee trust fund is abolished. The effective date for Section 400.9-525 is September 1, 2003.

This act provides that no person, other than the cardholder shall disclose more than the last five digits of a credit card or debit card account number on a sales receipt provided to the cardholder for merchandise sold in this state.

Section 408.455, RSMo, is modified to provide that contracts originally subject to variable interest rate limitations shall remain subject to limitations on additional charges, excessive

interest, false advertising and lending discrimination even if the contract is converted into another form of credit.

The act repeals certain sections in Chapter 408, RSMo, concerning requirements and restrictions on variable rate unsecured loans. Sections 408.653 and 408.654 regarding fee limitations and limits for overdraft charges are also repealed.

This act is similar to SB 346 and SB 292 (2003).
JIM ERTLE

Sponsor: Pearce

Handler: Goode

CCS/SCS/HS/HCS/HB 228 - This act places certain requirements for sending commercial electronic mail messages.

It shall be a violation to send any unsolicited commercial electronic mail message to any subscriber in the state with a false identity or with false or misleading information. Persons who initiate electronic transmissions, whether unsolicited or not, which solicit the purchase of, rental of, or investment in property, goods or services must clearly state in the subject line their identity and as the first four letters of the subject line must have "ADV": or if it obscene material the first eight characters of the subject line must be "ADV:ADLT".

Additionally, it shall be a violation to initiate transmission of an unsolicited commercial electronic mail to a subscriber in the state who has notified the sender not to initiate the transmission of further electronic mail. Subscribers may notify senders through actual notice, a toll-free telephone number, a valid sender-operated return electronic mail address or notification of the Attorney General if the sender fails to provide a toll-free telephone number or valid sender-operated return electronic mail address. The Attorney General is provided authority to promulgate rules to implement the provisions.

The Attorney General may prosecute violations. Persons may be liable for civil penalties of up to \$5,000 per knowing violation, not to exceed \$25,000 per day, as well as sanctions for unlawful merchandising practices. The Attorney General may also issue investigative demands, issue subpoenas, administer oaths, and conduct hearings in its investigation.

It shall be a defense if the defendant has implemented due

care to effectively prevent the transmission of unsolicited electronic mail messages. No action may be brought more than two years after the alleged violation was known or could have been known. A court may exercise personal jurisdiction over nonresidents.

An email service provider shall not be liable for unlawful merchandising due to the fact that they are an intermediary between the sender and recipient, that they provide transmission of the unsolicited commercial email over the providers computer network or facilities, or that they block messages in good faith which they believe violate the provisions of this act.

Upon receipt of information that child pornography is contained on a website, the Attorney General shall investigate. Upon probable cause the Attorney General shall notify the website operator in writing of the child pornography. If the operator promptly, but not longer than five days after notice removes the material and as long as they are not the purveyor of the material, there will be civil immunity. If the material is not remove the Attorney General may seek and injunction. These provisions shall not be construed to create any defense to criminal charges.

These provisions are similar to SCS/SB 10 (2003).
CINDY KADLEC

Sponsor: Baker

Handler: Caskey

HB 244 - This act modifies the current law concerning a county's adoption of planning and zoning prior to becoming a first class county so as to specifically include Cass County. This change will enable Cass County to continue to operate under its existing planning and zoning laws.

This act is similar to SB 121 (2003).
RICHARD MOORE

Sponsor: Marsh

Handler: Clemens

HCS/HB 245 - This act designates a portion of U.S. Highway 60 as the "Korea Veterans' Memorial Freeway".

This act is identical to SB 438 (2003).
STEPHEN WITTE

Sponsor: Ward

Handler: Kennedy

HB 247 - This act allows for the movement of special mobile equipment any time and on any day on state-maintained roads and highways if the special mobile equipment :

- (1) Travels at a speed above any minimum speed limit and is capable of traveling at the uniform maximum speed limit; and
- (2) Does not exceed the maximum legal weight, height, width, or length requirements.

This act contains an emergency clause.
STEPHEN WITTE

Sponsor: Seigfreid

Handler: Mathewson

HB 249 - This act designates a portion of State Route WW within the City of Marshall as "Butterfield Ranch Road".

STEPHEN WITTE

Sponsor: Shoemaker

Handler: Mathewson

HCS/HB 253 - Effective January 1, 2004, a petitioner seeking a protection order shall not be required to provide his or her Social Security number on any petition filed in connection with a protection order. The court may require that the petitioner's Social Security number be retained on a confidential case sheet or other confidential record maintained in conjunction with the administration of the case.

SARAH MORROW

Sponsor: Byrd

Handler: Klindt

HB 254 - The act would enact the provisions of the Uniform Electronic Transactions Act which would make electronic

reducing the amount of employees for an eligible facility from 100 to 60, removing the ability for entities to redeem the tax credits on a quarterly basis, and allows entities to carry back the tax credits.

STORM WATER DISCHARGE - The act exempts storm water discharges and return flows from irrigated agriculture from the definition of water contaminant source.

WATER POLLUTION PERMITS - The act exempts discharge of a water contaminant that is totally confined on the owner's property that does not reach the waters of the state and subject to clean up and remediation as soon as practicable.

BOARD OF FUND COMMISSIONERS - The act authorizes the Board, as authorized by Section 37(e) and 37(g) of Article III of the Constitution, to borrow on the credit of the state \$10 million for the purposes of Chapter 640 and Chapter 644, RSMo. The Board may borrow \$20 million under Section 37(h) Article III.

VETERINARIAN IMPOSED RESTRICTIONS - Any veterinarian is authorized to impose any restrictions on animals, persons, and vehicles as he or she sees fit to prevent the spread of contagious reportable diseases. Any person who obstructs an y action shall be guilty of a Class A misdemeanor.

LIENS ON VETERINARIAN WORK This act allows liens against livestock for veterinary care for any payments overdue by one year.

REHABILITATION SERVICES ON ANIMALS This act allows a licensed physical therapist or their assistant from providing rehabilitation services on animals pursuant to a written prescription of a licensed veterinarian.

ANIMAL FEEDING OPERATIONS - This act transfers the authority to regulate animal feeding operations from the Department of Natural Resources to the Clean Water Commission.

This act is similar to SB 315 (2003); SB 84 (2003); SB 554 (2003); SB 655 (2003).

SARAH MORROW

Sponsor: Whorton

Handler: Klindt

HB 261 - This act designates a portion of U.S. Highway 65 as

a tax to fund public storm water control projects if the tax is approved by the voters.

The act allows St. Louis County to impose a semiannual registration fee not to exceed \$250 on vacant property.

The act allows St. Louis City and any county within the state to levy a sales tax not to exceed one quarter of one cent for the purposes of providing services described in 210.861 after approval by the voters.

This act modifies the cost of a merchant's license. The section governing this law was double enacted in 1994. That means that different language was passed in two bills that enacted the same section. This act repeals one of the versions of this section entirely and modifies the other. The resulting fee structure from this act will enable the governing body of all charter counties and the city of St. Louis to assess a fee of up to \$25, adjusted annually for inflation, not to exceed \$100. Current law sets the fee in these counties and St. Louis at \$5, except for Jackson county, where current law lets the governing body set the fee, not to exceed \$100. In all other counties, this act sets a fee of \$25. Currently, the double enacted sections conflict on this amount, setting it at \$5 in one and \$25 in the other. These provisions are similar to SB 527 (2003).

The act creates eligibility requirements for candidates for Public Administrator. Candidates must be at least 21, a resident of Missouri and the county to be served for at least one year prior to election. The candidate must also be a registered voter and be current in the payment of all personal and business taxes.

In all non-charter counties which use data processing systems, the County Collector and Treasurer shall establish adequate systems of bookkeeping and accounting and other procedures as well as specifying the format of the tax books and form and manner of preparation of tax bills. Necessary mechanical and electronic devices and equipment shall be procured. Any new computer enhancements shall interface with what is currently in use so that the changes and procedures shall not interrupt the performance of duties of the offices.

The act removes Sections 49.091, 49.267, 49.268, 49.269, 49.273, 49.276 from the revised statutes.

CINDY KADLEC

Sponsor: Wright

Handler: Champion

HCS/HB 277 - This act, in certain situations, allows the governing body of the City of Springfield upon a written request from a real property owner within the city, and following a public hearing, to remove real property from a district or transfer real property from one class designation of a district to another class designation. The governing body may only take such actions if the Board consents to such removal, the district can meet its financial obligations following the proposed transfer and the hearing is conducted following proper notice being given.

This act is similar to SB 379 (2003).

RICHARD MOORE

Sponsor: Davis

Handler: Dolan

HB 278 - The act authorizes the State to convey state property in St. Charles County along 321 Knaust Road to St. Charles County. The State Commissioner of Administration is responsible for setting the terms and conditions of the sale of the property.

This act is similar to SB 130 (2003).

RICHARD MOORE

Sponsor: Bearden

Handler: Shields

SS/SCS/HB 286 - This act modifies provisions relating to the federal reimbursement allowance program, the Senior Rx program, and the pharmacy provider tax.

Section 208.477 provides that if the criteria for determining Medicaid eligibility is more restrictive than those in place for the 2003 fiscal year, then the Division of Medical Services shall reduce the federal reimbursement allowance assessment in any given fiscal year and increase the cost of uninsured payments.

Beginning on or after July 1, 2003, the amount that is appropriated to fund Medicaid graduate medical education shall not be less than the amount appropriated for the 2002 fiscal year (Section 208.478).

The act extends the federal reimbursement allowance program for hospitals to September 30, 2005 (Section 208.480).

The act modifies the rebate amount for prescription drugs in the Missouri Senior Rx Program. For all transactions that occur prior to July 1, 2003, the rebate amount shall be fifteen percent of the average manufacturers' price. For all transactions that occur on or after July 1, 2003, the rebate amount shall be fifteen percent for brand name prescription drugs and eleven percent for generic prescription drugs (Section 208.565).

The Department of Social Services may adjust the pharmacy provider tax rate quarterly on a prospective basis. The Department may adjust the rate more frequently for individual providers if there is a substantial and statistically significant change in their pharmacy sales. The pharmacy provider tax imposed pursuant to Sections 338.500 to 338.550 shall be effective by July 1, 2003.

The pharmacy provider tax shall expire 90 days after:

- The aggregate dispensing fee paid to pharmacists per prescription is less than dispensing fees reimbursement amount for the 2003 fiscal year; or
- The formula is changed which results in lower reimbursement in the aggregate than provided in fiscal year 2003; or
- June 30, 2005.

Sections 338.500 to 338.550 will expire on June 30, 2005.

The act contains an emergency clause.

LORIE TOWE

Sponsor: Dempsey

Handler: Steelman

CCS/SS/SCS/HCS/HB 289 - This act revises certain provisions regarding tax increment financing and creates a new tax increment financing method for certain projects.

MISSOURI DOWNTOWN AND RURAL ECONOMIC STIMULUS ACT

This act creates the Missouri Downtown and Rural Economic Stimulus Act. The provisions of the act shall not be construed to provide funding for sports stadiums, arenas or related facilities which have as its intended purpose use for spectator

events which seat over 10,000 people. Powers in the act are to exercised by authorities created in the act. Areas may be designated and tax increment financing may be used in the areas and state tax increment financing may be used for public infrastructure purposes.

DOWNTOWN ECONOMIC STIMULUS PROJECTS

The development area is defined to require that there has either been a decline in property taxes or population for 25 years or 50% or more of the structures in the area are older than 35 years. The development area shall not include property within the 100 year floodplain unless the area is protected as required by the Army Corps of Engineers.

A Downtown Economic Stimulus Authority may be created in certain municipalities upon the enactment of an ordinance establishing a development area in accordance with the act. Projects may be carried out through a municipality or an authority. Each Authority will be governed by a Board of Commissioners which will consist of between 5 and 14 members with staggered terms of three years. One of the Commissioners will be appointed by the school district or districts within the development area for a term of three years. Commissioners will be appointed by the mayor or chief executive. In addition to the Commissioners, a non-voting advisor shall be appointed by the other taxing districts located within the development area.

The powers of the Authority shall be exercised by its Board of Commissioners and powers of the authority are specified. The Authority shall be a public body corporate and politic. Powers granted to the authority are specified. The powers exclude the right to acquire property by eminent domain. Certain information must be included in a development plan.

The act allows Kansas City, St. Louis County, St. Louis City and Boone County to enact an ordinance establishing a fund for the purpose of providing funds to a community development corporation. The Community Development Corporation Revolving Fund is created. A Board to administer the fund is created. Funding is provided from 5% of the state sales tax increment portion from other net new revenues generated from projects certified for state supplemental downtown development financing.

Prior to the adoption of the ordinance designating the development area, adopting a development plan or adopting a development project, the authority must hold a public hearing.

A municipality may adopt development financing for the development project area and a special allocation fund for the

deposit of certain taxes from the development area to be apportioned or diverted pursuant to the Real Property Tax Increment Allocation Redevelopment Act if all or a part of the development project area becomes subject to tax increment financing.

The municipality shall submit the development plan to the Department of Economic Development who will review the application and submit its analysis and recommendation to the Missouri Development Finance Board. The application will then be sent to the Missouri Development Finance Board for consideration and approval of the disbursement of project costs from the State Supplemental Downtown Development Financing Fund. Project costs eligible for reimbursement from the State Supplemental Downtown Development Financing Fund are limited to items of public infrastructure as defined in the act. Caps on state funding for projects are specified. The Department of Economic Development is granted authority to approve two projects within a certain time frame that would be eligible to receive elevated state funding.

The development plan must contain certain information. The municipality will provide certain information from the Department of Revenue for verification which must be provided within 45 business days. The Missouri Development Finance Board will promulgate rules. The first \$150 million of other net new revenues will be deposited into the State Supplemental Downtown Development Financing Fund. The Department of Economic Development will administer the fund and may disburse the funds in payment of public infrastructure costs of the developments to the extent those projects have generated sufficient revenue.

No new applications for financing will be approved by the Missouri Development Finance Board after January 1, 2013.

The act establishes a Missouri Downtown Economic Stimulus Act Joint Legislative Committee which will consist of ten members of the General Assembly, five from each body.

The Authority must make a report to the Director of the Department of Economic Development by the end of February each year. The annual report for downtown projects must also include an analysis of the distribution of state supplemental financing by municipality and by economic region. The Director shall then compile a report for submission to the Governor and General Assembly.

Every five years after the establishment of a development plan, the governing body of the authority must hold a public

hearing. The Director of the Department of Economic Development shall provide information and technical assistance as requested by any municipality.

These provisions have an emergency clause. However, only projects in central business districts affected by a natural disaster between May 1 and May 10, 2003, may be approved by the Department of Economic Development prior to August 28, 2003. The area must also be in a county for which public and individual assistance is requested for Federal Disaster Relief.

This act is similar to SCS/SB 253 (2003).

RURAL ECONOMIC STIMULUS PROJECTS

Powers in the act are to be exercised by municipalities or authorities created in the act. The act may be used for public infrastructure related to the creation of renewable fuel production facilities which are in a municipality smaller than 100,000 persons and which will cost at least \$3,000,000 and create at least 30 new jobs within three years.

A Rural Economic Stimulus Authority may be created in each municipality upon the enactment of an ordinance establishing a development area in accordance with the act. Each Authority will be governed by a Board of Commissioners which will consist of between 5 and 14 members with staggered terms of three years. One of the Commissioners will be appointed by the school district or districts within the development area for a term of three years. Commissioners will be appointed by the mayor or chief executive. In addition to the Commissioners, a non-voting advisor shall be appointed by the other taxing districts located within the development area.

The powers of the Authority shall be exercised by its Board of Commissioners and powers of the authority are specified. The Authority shall be a public body corporate and politic. Powers granted to the municipality or authority are specified, excluding the right to acquire property by eminent domain. Certain information must be included in a development plan.

Prior to the adoption of the ordinance designating the development area, adopting a development plan or adopting a development project, the authority must hold a public hearing.

A municipality may adopt development financing for the development project area and a special allocation fund for the deposit of certain taxes from the development area to be apportioned or diverted pursuant to the Real Property Tax Increment Allocation Redevelopment Act if all or a part of the

development project area becomes subject to tax increment financing.

The municipality shall submit the development plan to the Missouri Agricultural and Small Business Development Authority for approval of the disbursement of project costs from the State Supplemental Rural Development Financing Fund. The development plan must contain certain information. The municipality will provide certain information from the Department of Revenue for verification which must be provided within 45 business days. The Missouri Agricultural and Small Business Development Authority will promulgate rules. The first \$150 million of other net new revenues will be deposited into the State Supplemental Rural Development Financing Fund. The Department of Economic Development will administer the fund and may disburse the funds in payment of public infrastructure costs of the developments to the extent those projects have generated sufficient revenue.

The act establishes a Missouri Rural Economic Stimulus Act Joint Legislative Committee which will consist of ten members of the General Assembly, five from each body.

The Authority must make a report to the Director of the Department of Economic Development by the end of February each year. The Director shall then compile a report for submission to the Governor and General Assembly.

Every five years after the establishment of a development plan, the governing body of the authority must hold a public hearing. The Director of the Department of Economic Development shall provide information and technical assistance as requested by any municipality.

TAX INCREMENT FINANCING SATELLITE ZONE

This act authorizes the cities of St. Joseph, Independence and Springfield, with approval of the governing authority of the city and the department of economic development, to designate an additional satellite enterprise zone in such city.

SUPER TIF

This act restricts the definition of new state revenues by excluding increases in sales tax revenues attributable to retail sales unless it can be proven that the revenues are from sources which do not currently exist in the state. The act also requires additional documentation in Super-TIF applications and changes the calculation of the tax increment for Super-TIF financing for businesses which relocate their national headquarters from out-of-state to allow for a use of the portion of the full new state revenues generated rather than only the incremental increase in

new state revenues generated over the revenues generated in the base year.

RETENTION PROJECTS FOR CERTAIN ESSENTIAL OR TARGETED INDUSTRIES

This act implements various economic development concerning targeted industries, enterprise zones and job training programs at community colleges. The major provisions of the act are as follows:

Essential and targeted industries (Sections 100.710, 100.840, 100.850, RSMo): The above sections within the Missouri Business Use Incentives for Large-Scale Development Act (BUILD) are modified to allow for retention projects in "essential industries".

The act adds to the purview of "eligible industries" those that meet the following requirements:

- Must be a "targeted industry", i.e. one that is critical to state's economic security and growth as determined by the Department of Economic Development (DED) and affirmed by the Joint Committee on Economic Development Policy & Planning;

- Must be located in a city meeting certain population parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies);

- Must have had at least 2,000 jobs at the project site for each of the five preceding years;

- Must retain the number of jobs (actual number of jobs not the 2,000 minimum) for the duration of the BUILD certificates (10 to 15 years); and

- Must invest at least \$500 million (new investment) in the project.

The act also eliminates the cumulative cap and replaces it with an annual tax credit cap of \$11 million.

Regarding the Enterprise Zone Program: (new Sections 135.276, 135.277, 135.279, 135.281, 135.283, RSMo):

This part of the act contains new provisions that build on existing enterprise zone law concerning retention projects. The act follows the pattern of existing enterprise zones except as follows:

- Must be an "essential industry" to be eligible to apply

for the retention program:

- Must be a "targeted industry" one that is critical to state's economic security and growth as determined by DED and affirmed by the Joint Committee on Economic Development Policy & Planning;

- Enterprise zone must include all or part of a city meeting certain population parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies)

- Must have had at least 2,000 jobs at the project site for the five preceding years;

- Must retain the jobs for 10 years (actual number of jobs not the 2,000 minimum);

- Must invest at least \$500 million (new investment) in the project over two-year period within first five years of project;

- DED must consider soundness of project;

- Local incentives must be provided;

- Wages must exceed average wage of county;

- The incentive must be needed to make a project remain in MO; and

- Company must be considering another state for the project.

The act offers a refund mechanism:

- Eligible to apply if tax credits exceed taxable income for facility by \$1 million;

- No more than 2 million refund in any year;

- Cannot receive refund for more than five consecutive years;

- If tax credits exceed taxable income by more than \$2 million, those credits can be carried forward for refund purposes.

Community College New Jobs Training Program (Section 178.892, RSMo) - Modified to allow for retention projects in "essential industries":

- Must be a "targeted industry" one that is critical to state's economic security and growth as determined by DED and affirmed by the Joint Committee on Economic Development Policy & Planning;

- Must be located in a city meeting certain population parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies);

- Must have had at least 2,000 jobs at the project site for the five preceding years;

- Must retain the jobs (actual number of jobs not the 2,000 minimum) for the duration of the CCNJT certificates (8 years);

- Wages must exceed average wage of county.

The act will terminate January 1, 2006 if a project has not been approved by DED by December 31, 2005. If a project has been so approved, act will terminate on January 1, 2020.

This portion has an emergency clause and an expiration date.

These provisions are also contained in SCS/SB 620 (2003).

AGRICULTURAL AND SMALL BUSINESS DEVELOPMENT AUTHORITY

This act creates a definition of value added agricultural products for the Agricultural and Small Business Development Authority.

LICENSE FEES FOR BUSINESSES

This act prohibits any investment funds service corporation shall from being charged a license fee in excess of \$25,000 after December 31, 2003 and prohibits villages with less than 1,300 persons from charging a license tax in excess of \$10,000.

CERTIFIED CAPITAL COMPANY LAW

This act modifies the Missouri Certified Capital Company Law. The act includes within the existing law those "qualified investing entities" that meet certain criteria. Such entity must be a wholly owned subsidiary of a certified capital company. Investments made by a qualified investing entity will be treated as if they were made by a certified capital company. The act also requires that an investing business be a small business.

The act also requires prior approval of the Department of Economic Development in order for investments of a qualifying investing entity to be counted.

These provisions are similar to SS/SCS/HS/HB 197 (2003).

COMMUNITY DEVELOPMENT CORPORATION ASSOCIATION

The act creates statutory funding for the Community Development Corporation Association. The Department of Economic Development shall assist the Association in an amount up to 10 percent of its total appropriation for Community Development Corporations.

These provisions are similar to SB 229 (2003).

TRANSITIONAL SCHOOL DISTRICT

This act prevents the transitional district operating levy authorized in current law from being subject to certain tax increment financing projects. The tax will not be subject to any certificate of tax abatement issued after August 28, 1998, or, as of January 1, 2002, such tax will not be subject to any TIF project in St. Louis with the exception of a project concerning a convention headquarters hotel adopted by ordinance in St. Louis after August 28, 2003.

These provisions are similar to SB 634 (2003).

INDUSTRIAL DEVELOPMENT BONDS

This act makes changes to industrial development bonds as follows:

- Adds a definition for "revenue bonds"
- Requires approval of a plan of development by the governing body of a municipality to issue revenue bonds; Such project plan shall include:
 - (1) A statement identifying each taxing district;
 - (2) Equalized assessed valuation of the real property and personal property in the project, and an estimate of equalized assessed valuation of real property and personal property in the project after development;
 - (3) Cost benefit analysis; and
 - (4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project;
- Contains public hearing provisions;
- Provides that the calculation of the limit for local government indebtedness required by the Constitution shall include the additional value added to an area as a result of a redevelopment project;
 - The County Assessor will include such value in the assessor's book.
 - The impact on state sales tax revenue is added to the existing reporting requirements.

These provisions are contained in SS/SCS/HS/HB 197 (2003).

Sponsor: Wagner

Handler:

HB 292 - This act designates the armory located in De Soto as the "William E. 'Bud' Lewis" armory.

RICHARD MOORE

Sponsor: Merideth III

Handler: Foster

HB 307 - This act allows the executive officer of a political subdivision to enter into agreements for reciprocal emergency aid without approval of the Governor.

This act is similar to SB 370 (2003).

RICHARD MOORE

Sponsor: Engler

Handler: Gross

HB 314 - This act prohibits public entities and their agents from requiring a bidder, proposer, or contractor to obtain a surety bond from a particular company in connection with any contract for construction of public works.

This act is similar to SB 521 (2003).

RICHARD MOORE

Sponsor: Baker

Handler: Caskey

HCS/HB 318 - This act authorizes Cass County to elect to have county traffic ordinance violations heard and determined by an associate circuit judge.

JIM ERTLE

Sponsor: Wagner

Handler: Stoll

HB 326 - This act changes the boundary description of Ste. Genevieve County.

RICHARD MOORE

Sponsor: Lipke

Handler: Dolan

CCS/SS/SCS/HB 327 - This act enacts various measures relating to transportation issues.

SALES TAX EXEMPTION ON STATE TRANSPORTATION PROJECTS - This act exempts contractors from paying sales taxes on materials used in Department of Transportation projects. This portion of the act does not go into effect until July 1, 2005. This portion of the act is similar to SB 501 (2003).

EMINENT DOMAIN COMPENSATION - This act requires that when the Highways and Transportation Commission takes property by eminent domain, the loss of access to a highway must be taken into consideration when determining damages. The portion of the act contains an emergency clause. This provision is similar to HB 327 (2003)(Section 227.120).

MISSOURI EMERGENCY RESPONSE COMMISSION - This act makes the Director of the Department of Transportation a member of the Missouri Emergency Response Commission in lieu of the Director of the Department of Economic Development (Section 292.602).

TRUCKS IN LEFT-HAND LANE - This act prohibits trucks (in excess of 48,000 pounds) from being driven in the far left-hand lane on interstate highways, freeways or expressway in the urban areas of this state. This prohibition shall not apply in certain circumstances. This act is similar to SB 384 (Section 304.015).

COMMERCIAL MOTOR CARRIER (COMPLIANCE WITH FEDERAL REGULATIONS) - This act adds the federal definition of "gross combination weight rating" and "gross vehicle weight rating" to Section 302.700. This act also modifies two provisions of Missouri law pertaining to hazardous materials carriers to make them consistent with Federal Motor Carrier Safety Administration regulations. This portion of the act is similar to SB 432(2003).

This act contains several provisions which are contained in HCS/HB 702. Under this act, courts must forward to the Department of Revenue, within seven days, a record of any guilty conviction involving a moving traffic violation. The Director of

the Department of Revenue will be required to enter any conviction information into the appropriate computer systems and transmit the conviction information as required by federal requirements (Section 302.225).

Commercial driver's license holders will not be allowed limited driving privileges for the purpose of operating a commercial motor vehicle if their driving privileges are suspended, revoked, canceled, denied, or disqualified (Section 302.309).

This act modifies the definition of serious traffic violation to include: (1) Driving a commercial motor vehicle without a commercial driver's license; (2) Driving a commercial vehicle without a commercial driver's license in possession; and (3) Driving a commercial vehicle without the proper commercial driver's license class or endorsement (Section 302.700).

Applicants for a commercial driver's license must disclose the names of all states which have issued them a commercial driver's license during the previous 10-year period; (2) The Department Director is required before the initial issuance of a commercial driver's license and for the first renewal to obtain driving record information from any state licensing system in which the person has been issued a license; and (3) A commercial driver's license driving record must contain a complete history of the driver, including information and convictions from previous states of licensure.

Under this act, the Director of the Department of Revenue is required to adopt the federal requirements for record keeping (Section 3).

Under this act, no federal, state, county, municipal, or local court can defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses or is required to possess a commercial driver's license to enter into a diversion program that will prevent a conviction for any violation of any traffic law from appearing on the driver's record maintained by the Department Director (Section 2).

Under this act, the Department Director is required to disqualify any driver the U. S. Secretary of Transportation has determined to constitute an imminent hazard (Section 302.755). Under this act, a person will be disqualified from operating a commercial motor vehicle for a period of not less than one year if convicted of a first violation of: (1) Driving any motor vehicle under the influence of alcohol or a controlled substance; (2) Driving a commercial motor vehicle which causes a fatality

due to negligent operation of the vehicle; (3) Leaving the scene of an accident involving any type of vehicle; or (4) Using any type of vehicle in the commission of a felony (Section 302.755).

Under this act, any driver who violates an out-of-service order is subject to a civil penalty not to exceed an amount as determined by the U. S. Secretary of Transportation (Section 302.756).

Under this act, persons operating emergency or fire equipment during the execution of official department or agency business are exempt from the commercial driver's licensing provisions (Section 302.775).

Under this act, any individual who operates a school bus must meet the requirements for and be issued a school bus endorsement as required by the U. S. Secretary of Transportation (Section 1).

LOW-SPEED VEHICLES - This act allows operators of low-speed vehicles to use public highways under certain conditions. A low-speed vehicle is a four-wheeled vehicle whose top speed is greater than 20 mph but less than 25 mph and is manufactured in compliance with the National Highway Traffic Safety Administration standards. A low-speed vehicle shall not be operated on a street or highway with a posted speed limit greater than 35 mph. A low-speed vehicle shall be exempt from inspection and emission testing, but must comply with the federal standards. Every operator of a low-speed vehicle shall maintain financial responsibility as required under Chapter 303, RSMo. Every operator of a low-speed vehicle must have a driver's license. City and counties may promulgate ordinances which are more stringent than this act. These provisions are contained in SB 594 (2003)(Section 304.029).

TOWING PROVISIONS - This act repeals a doubly-enacted section regarding the towing of motor vehicles from private property. This provision is identical to SB 314 (2003)(Section 304.157). This act also provides that tow trucks shall be considered an emergency vehicle after arriving at the scene of an accident (Section 304.021).

PERSISTENT AND PRIOR OFFENDERS - This act makes it clear that drivers charged with alcohol-related offenses will be ineligible for a suspended imposition of sentence whether the drivers are in municipal court or state court (Section 577.023).

TOTAL TRANSPORTATION DISTRICTS - Under this act, property separated by easements or rights-of-way shall be considered

contiguous for transportation development district purposes.

Under the act, districts formed by property owners need not contain contiguous properties if:

1. The petition provides that the sole funding method is a sales tax;
2. A court finds that all the property within the proposed district will benefit district projects;
3. Each parcel within the district is within 5 miles of every other parcel.

This act provides an alternative method for forming a transportation development district. The act allows two or more local transportation authorities which have adopted a resolution calling for the joint establishment of a district to form a transportation development district. The proposed district area shall be contiguous and may contain all or any portion of a county or city. The act outlines the requirements of the petition.

The act allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The act also provides that the district may impose a funding mechanism other than a sales tax if approved by the voters within the district. The act sets forth the requirements of who may sit on the Board of Directors of the alternatively formed district. The provisions relating to transportation development districts are similar to those found in SB 230 (2003).

POINTS FOR YOUNGER DRIVERS - Under this act, a person under of the age of 18 who is convicted of exceeding the posted speed limit by 20 mph or more will have his or her license assessed 8 points for the first conviction and 12 points for the second or subsequent conviction (Section 302.302).

SCHOOL BUS PERMITS - Under this act, applicants for school bus permits must submit two sets of fingerprints (beginning January 1, 2004). One set of fingerprints shall be used by the Highway Patrol in order to search the criminal history repository and the other set shall be forwarded to the FBI for searching the federal criminal history files. The applicant shall pay the appropriate fees for such searches. The act removes the Department of Social Services from the school bus permit process (Section 302.272).

RAILROAD CROSSINGS - Under this act, whenever an authority legally closes or vacates a road which has a railroad crossing, the highways and transportation commission shall issue an order authorizing removal of the crossing within 30 days. (Section

389.610).

COMMERCIAL MOTOR VEHICLES AT RAILROAD CROSSINGS - This act also requires operators of commercial motor vehicles, other than those required to stop by law, to approach a railroad grade crossing at a rate of speed which will permit the vehicle to stop before reaching the nearest rail of a crossing and not drive upon or over a crossing until due caution has been taken to ascertain that the course is clear (Section 304.035). This provision is being enacted to comply with federal regulations (49 CFR Parts 383 and 384). This portion of the act is similar to HCS/HB 435 (2003).

TOURIST DIRECTIONAL AND TRAVEL SIGNS - This act allows regionally accredited post-secondary educational facilities to be eligible for tourist directional and travel information signs (Section 226.525 and 226.535). This provision is identical to the one contained in SB 661 (2003).

WORK ZONE SIGNS - This act provides that work zone warning signs shall not be visible during any period in which no workers are present any period of four hours or more. The current law provides that no warning sign shall be visible if there are no workers present any period of two hours or more (Section 304.580).

SATOP PROGRAM - This act modifies various provisions relating to the Substance Abuse Traffic Offender Program. The act requires that some of the moneys deposited in the Health Initiatives Fund be used for the administration of the SATOP program. This act requires that enrollees in the SATOP program pay a supplemental fee in addition to a required fee. The amount of the supplemental fee will be determined by the Department. Under the current law, the supplemental fee is \$60. Interest shall be charged on any unpaid balance on any supplemental fee. Under this act, any administrator of a SATOP program who fails to remit supplemental fees and interest on any unpaid supplemental fee balance to the Division of Alcohol and Drug Abuse will be subject to a penalty or legal action by the Attorney General. This portion of the act has an emergency clause. This act is similar to SCS/HCS/HB 410 and SB 410 (2003) (Sections 191.831, 302.304, 302.540, 577.041, 577.049, 577.520, and Section B - the emergency clause).

ANIMAL-DRIVEN VEHICLES - This act allows persons operating animal-driven vehicles during the dark to use lamps or lanterns which comply with rules promulgated by the Department of Public Safety. The act also allows persons operating an animal-drawn vehicle to equip their vehicle with reflective material complying

with rules promulgated by the Department of Public Safety rather than displaying the slow-moving triangle emblem (Sections 307.125 and 307.127).

TRAFFIC VIOLATIONS - This act allows cities or any county of the first classification with a charter form of government to pass ordinances to include outstanding vehicle-related fees and fines on personal property tax bill. A personal property tax bill shall not be considered paid unless the vehicle-related fees and fines are also paid in full. The collector of revenue or treasurer ex officio collector of the city or county shall remit to the appropriate political subdivision all fees and fines, including traffic and parking violations collected less two percent for administrative costs. The act also allows any city or county which levies personal property taxes to establish an intergovernmental revenue collection agreement with other cities and counties to facilitate the collection of delinquent vehicle-related fees (Section 137.298).

SUSPENSION OF MOTOR VEHICLE REGISTRATION FOR UNPAID VEHICLE-RELATED FEES IN THE CITY OF ST. LOUIS - Under this act, beginning July 1, 2005, the director of revenue is required to deny an application for a motor vehicle if the owner of the motor vehicle owes vehicle-related fees or fines to St. Louis City. The city may notify the owner of the motor vehicle that fines have not been paid and if not paid in full within 30 days, the Department of Revenue will be authorized to suspend the motorist's vehicle registration. The act provides for notification and an appeals process to contest the fines and fees (Section 301.026, RSMo). These provisions are similar to those contained in SB 1196 and HB 2027 (2002).

DRIVEAWAY OPERATIONS - This act modifies the definition of "driveaway operation", to include the transporting of vehicles in transit from one place to another by driveaway or towaway methods. This act provides that driveaway license plates may only be used for the purpose of transporting vehicles in transit. Driveaway license plates may not be used by tow truck operators transporting wrecked, abandoned, improperly parked or burned vehicles. The act also extends the area for certain land improvement contractors' commercial motor vehicles from 25 miles to 50 miles (Sections 301.010, 301.069, and 390.020). These provisions are similar to ones contained in SB 117 (2003).

MEMORIAL HIGHWAY - This amendment establishes the "Corporal Bobbie J. Harper Memorial Highway" on U.S. Highway 71 within McDonald County. This portion of the act is identical to SB 598 (2003) and is contained in the Truly Agreed To version of HB 598 (2003).

INSTALLATION OF AIR BAGS - This amendment makes installing an airbag that does not comply with federal standards or installing an airbag which has previously been installed in another motor vehicle without disclosing such fact a Class D felony (Section 307.156)

ATV PASSENGERS - This amendment modifies the definition of ATVs and allows passengers to ride on ATVs if the seat of such vehicles are designed to carry more than one person. The ATV definition is modified by increasing the unladen dry weight of an ATV from 600 pounds to 1,000 pounds and by providing that an ATV may be a vehicle with a seat designed to carry more than one person. This provision is also contained in the Truly Agreed To version of HB 598 (2003).

STEPHEN WITTE

Sponsor: Portwood

Handler: Steelman

HCS/HB 332 - This act defines the term "social worker" and prohibits any person from holding themselves out as being a social worker or using the title of social worker unless the person holds a current baccalaureate or clinical social worker license, or has received a baccalaureate or master's degree in social work from an accredited program, or has received a doctorate in social work. Beginning January 1, 2004, no entity, public or private, may use the title of social worker for volunteer or employment positions within contracts for services, documents, manuals, or reference material unless those persons being referred to have met all required educational requirements.

Violation of the this act shall be a Class B misdemeanor.

This act is similar to SB 413 (2003).

JIM ERTLE

Sponsor: Dempsey

Handler: Foster

HCS/HBs 346 & 174 - This act revises provisions of the public school and nonteacher retirement systems.

The act allows Kansas City to allow teachers and administrators to be employed in the Kansas City school district

for up to four years after retirement without losing his or her retirement benefits. These provisions are similar to SB 180 (2003).

The act specifies that the contribution rate shall be fixed by the board and certified to the employer. The level rate of contribution for any fiscal year may not exceed the prior year's rate of contribution by more than one half percent. However, no new benefits may be offered until the rate of contribution is reduced back to 10 and one-half percent. These provisions are similar to SB 233 and SCS/SBs 248, 100, 118, 233, 247, 341 & 420 and SB 341 (2003).

The act simplifies credit purchases under PSRS and NTRS systems. Payment for credit purchases must be completed prior to termination of membership with the retirement system. The act clarifies that the member must have covered employment with the retirement system following the purchase credit. The act also defines the calculation of payment for such credit purchases. These provisions are similar to SBs 233 & 247 and SCS/SBs 248, 100, 118, 233, 247, 341 & 420 and SB 341 (2003).

The act creates a partial lump sum option for PSRS and NTRS members whose age plus creditable service equal at least 86 or whose creditable service is at least 33 years. The election to receive a partial lump-sum distribution must be made at least 30 days prior to retirement. The member may make such election in a 12, 24 or 36 month increment of their entire retirement benefit. These provisions are similar to SBs 233 & 247 and SCS/SBs 248, 100, 118, 233, 247, 341 & 420 and SB 341 (2003).

The act extends the 25 and out provisions for PSRS and NTRS for five additional years from July 1, 2003 to July 1, 2008. These sections have an emergency clause. This provision is similar to SBs 233 & 247 and SCS/SBs 248, 100, 118, 233, 247, 341 & 420 and SB 341 (2003).

This act would allow school districts with a shortage of certified teachers or non-certificated employees to hire retirees for up to two years without them losing their retirement benefits. The total number hired will not exceed 10% or five certificated teachers or employees. Retired certificated teachers hired would be included in the State Directory of New Hires. The employer contributions would be made by the hiring school district eliminating fiscal impact. All necessary costs would be paid by the hiring school district and would not exceed the district's statutory cost limitations. In order to hire teachers and non-certificated employees to fill such shortage the school district is required to make certain findings which are

approval. The fund may be audited by the state auditor's office. The fund may accumulate from year to year.

Section 571.094 sets out the requirements to obtain a certificate of qualification for an endorsement to carry a concealed firearm. The endorsements are issued by the county sheriff and are valid for a period of three years from the date of issuance or renewal.

This act sets out the application and the requirements to obtain an endorsement. A person obtaining an endorsement must meet certain age, residency and background requirements. In addition, the applicant must provide an affirmation that he or she has received firearm safety training. The application must contain a conspicuous warning that false statements by the applicant will be prosecuted for perjury and must be in writing, signed under oath and states the applicant complies with each requirement. In addition to the application, the applicant must also submit a photograph, proof of firearm safety completion and the fee.

The sheriff may deny an application if he or she has a reasonable belief, supported by documentation in public records, that the applicant may cause harm to self or others. The sheriff is required to either approve or deny the application within thirty days of submission. The sheriff may deny an application if any of the requirements are not met or if there is substantial and demonstrable reason to believe the applicant made a false statement. The sheriff is required to give written notice that the application has been denied, stating the grounds of the refusal. After the second denial of an endorsement by a sheriff is issued, the applicant shall appeal the denial pursuant to the appeals process in this section.

If the application is approved, the sheriff will issue a certificate of qualification for a concealed carry endorsement within three days. The applicant may take the certificate of qualification to the Department of Revenue and the Department shall issue a concealed carry endorsement on the applicant's driver's license or nondriver's license upon the applicant's request. The sheriff will report the issuance of the endorsement to the Missouri Uniform Law Enforcement System (MULES). The information is not public information and is considered personal protected information. Information regarding endorsement holders is only accessible to law enforcement officials.

An endorsement could be suspended or revoked if the endorsement holder becomes ineligible under this section. The person can renew the endorsement by completing a renewal application and paying the fee.

An endorsement authorizes the person to carry a concealed firearm throughout the state with the exception of certain places. Carrying a concealed weapon to the above places is not a criminal act, but a person can be denied access to the premises. If a person refuses to leave, a citation may be issued.

An applicant must demonstrate knowledge of firearm safety training by submitting documentation. The act sets out requirements for the safety instruction and for the qualification of the safety instructors.

If a sheriff refuses to issue or act on an application, the applicant may appeal.

SARAH MORROW

Sponsor: Quinn

Handler: Klindt

HB 351 - This act would make the requirement that members of the Board of Directors of an industrial development corporation be registered voters and, for at least five years, taxpayers in the county or city optional where the corporation is formed by a municipality located wholly within third or fourth classification county. It also lowers the number of years directors of such corporations must be resident taxpayers from five years to one year.

RICHARD MOORE

Sponsor: Smith (118)

Handler: Scott

HCS/HB 356 This act requires any product made by youth in a program established by the division of youth services to be sold at a price not to exceed one hundred ten percent of the actual cost of supplies and materials. The proceeds received by the division from the sale of these products shall be deposited in the "Youth Services Products Fund". Moneys in this fund are used solely to replenish the supply of materials for these products.

SARAH MORROW

Sponsor: Boykins

Handler:

HB 358 This act authorizes barbers whose licenses have lapsed for over two years but less than five years to have their licenses reinstated by submitting an application to the State Board of Barber Examiners, passing the practicum portion of the state licensing exam, and paying the appropriate fees.

JIM ERTLE

Sponsor: Dusenberg

Handler:

SCS/HCS/HB 371 - This act adds the federal definition of "gross combination weight rating" and "gross vehicle weight rating" to Section 302.700, RSMo. This act also modifies two provisions of Missouri law pertaining to hazardous materials carriers to make them consistent with Federal Motor Carrier Safety Administration regulations. This portion of the act is similar to SB 432 and SCS/SB 381 et al (2003).

STEPHEN WITTE

Sponsor: Cooper

Handler: Scott

HB 375 - This act modifies how the place of death of an individual is determined. For an individual who is being transferred into this state from another or from one county within this state to another, for emergency medical treatment and who dies in transit or while in the emergency room, the place of death shall be that of where the individual was first removed.

The coroner or medical examiner from the transferring county is responsible for the death certificate and investigating the cause and manner of death. However, a coroner or medical examiner in the county where the individual actually dies may upon authorization of the coroner or medical examiner of the transferring county, investigate and conduct postmortem examinations at the expense of the transferring county.

The coroner, medical examiner or emergency room staff of the county where the individual actually dies must immediately notify the proper authorities of the transferring county, and shall make available information necessary to conduct a death investigation.

If an individual who has been transferred across state or county lines seeking medical treatment dies after being admitted

as a patient to a medical facility, the coroner or medical examiner of the county where the individual actually dies or the medical facility must notify the proper authorities of the transferring county of the death.

In the case of death by homicide, suicide, accident, child fatality or any unusual or suspicious manner the investigation of the cause and manner of death shall revert to the county of origin.

Except as provided elsewhere in this act, following the death of an individual, if the body is transferred to another county or state for the purpose of burial, the transferring county is responsible for the death certificate and death investigation.

RICHARD MOORE

Sponsor: Cooper

Handler: Caskey

HB 376 - This act changes the certification organization for deputy county coroners from the County Officials Training Commission to the Missouri Coroners and Medical Examiners Association.

LORIE TOWE

Sponsor: Byrd

Handler: Bartle

SCS/HCS/HB 380 - This act adopts the Missouri Securities Act of 2003. The act contains the following Articles:

ARTICLE 1 - GENERAL PROVISIONS. A number of definitions are created relating to securities regulation. Any references made to federal statutes means those statutes or regulations in effect at time of enactment of act. Any reference to a federal agency also includes a reference to any successor agency. This act modifies certain portions of the federal Electronic Signatures in Global and National Commerce Act.

ARTICLE 2 - EXEMPTIONS FROM REGISTRATION OF SECURITIES. Certain listed securities and transactions are exempt from securities registration, notice filing requirements and filing of sales literature. This exemption does not include an exemption from certain anti-fraud provisions in Article 5, nor the broker-

dealer, agent, investment adviser, or investment adviser registration requirements in Article 4. Additional exemptions and waivers may be created by rule. With limited exceptions for federally covered securities, the state may deny, suspend, revoke condition or limit an exemption.

ARTICLE 3 - REGISTRATION OF SECURITIES AND NOTICE FILING OF FEDERAL COVERED SECURITIES. This act requires the registration of securities, with the exception of federally covered securities and exempt securities. Requirement for notice filing are created. Securities registered under the Securities Act of 1933 may be registered by coordination. Procedures are also enacted for the registration of securities by qualification. Registration statements may be filed by the issuer, a person on whose behalf the offering is made, or a broker-dealer. The filing fee is \$100. Subsequent reports to update information on the security may be required. The Commissioner is authorized to issue a stop order denying, suspending or revoking the effectiveness of a registration statement under certain grounds.

ARTICLE 4 - BROKER-DEALERS, AGENTS, INVESTMENT ADVISERS, INVESTMENT ADVISER REPRESENTATIVES, AND FEDERAL COVERED INVESTMENT ADVISERS. The act creates registration requirements and exemptions for broker-dealers, agents, investment advisers, and investment adviser representatives. Federal covered investment advisers are required to file an annual notice, a consent to service of process and such records as have been filed with the Securities and Exchange Commission. Provisions for broker-dealers and investment advisers to succeed to the registration of another such person. Procedures for an organizational change, name change or change of control are created. Termination of employment or association of an agent and investment adviser representative shall require the broker-dealer, issuer, investment adviser or federally covered investment adviser to file a notice of termination. Notice must also be filed upon transfer of employment or association. Provisions for the effectiveness of a withdrawal of association are created. Filing fees for the various registrations are created. The commissioner of securities is authorized to create, by rule, certain post registration requirements relating to financial reports, recordkeeping, audits or inspection, custody of bonds, investment adviser brochures, and continuing education. Procedures are created for the commissioner to deny, revoke, suspend, withdraw, restrict, condition or limit a registration.

ARTICLE 5 - FRAUD AND LIABILITIES. This act makes it unlawful to engage in the offer, sale or purchase of a security by fraud. It is unlawful to provide fraudulent investment advice. Evidentiary burdens for proving an exemption in a civil or criminal

proceeding are defined. The filing of sales and advertising literature may be required by rule. It is unlawful for a person to make a misleading or false statement in any record used in an action or proceeding under this act. It is unlawful to make a misrepresentation regarding a registration or exemption. Qualified immunity is provided for statements made in a record required by the commissioner, unless the statement was false and was knowingly or recklessly made. With limited exceptions, a person who willfully violates this act is subject to fine of up to \$1,000,000 or imprisonment of up to 10 years, or both. Enforcement of civil liability shall be subject to provisions of federal law. Procedures for the civil liability of various parties are created. Actions must be brought within one year after the violation occurred or within the earlier of two years after discovery of the facts constituting the violation and five years after the violation. Recission offers meeting certain requirements extinguish civil liability.

ARTICLE 6 - ADMINISTRATION AND JUDICIAL REVIEW. The Commissioner of Securities shall administer this act. The Attorney General shall represent the Commissioner in all civil enforcement actions brought pursuant to this act. A Securities Investor Education and Training Fund is created to provide funds for investor education. The Commissioner is authorized to investigate violations of this act, including the power to issue and enforce subpoenas. The Commissioner may appoint special investigators to aid in investigations done pursuant to this act. Such investigators shall be qualified as peace officers and shall have the power to serve subpoenas and make arrests and seek search warrants in criminal investigations. The Commissioner may seek injunctive relief. The Commissioner is authorized to issue cease and desist orders, conduct hearings and issue civil penalties. Rulemaking and the issuance of interpretative opinions are allowed. The Commissioner must maintain files of registrations, orders and interpretative opinions. The act delineates which records are considered public and which are non-public. Within his or her discretion, the Commissioner may share records and information with securities regulators in other states and the federal government. Final orders issued by the Commissioner are subject to judicial review. Jurisdictional requirements are created.

ARTICLE 7 - TRANSITION. This act becomes effective on September 1, 2003. The act covers the application of this act and the predecessor act to existing rights.

This act is identical to SCS/SB 427 (2003).
JIM ERTLE

Sponsor: Wilson

Handler: Jacob

HB 388 - This act extends authority to develop geographic information systems to St. Joseph, Columbia, Lee's Summit, and all first classification counties without a charter form of government. Under current law only counties of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants and containing a city with a population of at least one hundred forty-four thousand but not more than three hundred thousand inhabitants may create a geographical information system.

RICHARD MOORE

Sponsor: Behnen

Handler:

SS/SCS/HCS/HB 390 - This act regulates the licensing and registration of anesthesiologist assistants.

New definitions are provided relating to anesthesiologist assistants, including a definition of "supervision" (Section 334.400). An anesthesiologist assistant can assist the supervising anesthesiologist in developing and implementing an anesthesia care plan for a patient. Anesthesiologist assistants are prohibited from prescribing medications, administering any drugs or devices that are beyond the authority of the supervising anesthesiologist, and practicing without the supervision or the immediate availability of the supervising anesthesiologist. Anesthesiologist assistants must be clearly identified and addressed as such to prevent them from being mistaken as a physician. Faculty members of an anesthesiologist assistant program must be board-certified or board-eligible anesthesiologists. Faculty members cannot concurrently supervise more than two assistant students who are delivering anesthesia (Section 334.402).

An anesthesiologist assistant can apply for a license by filling out the appropriate application forms and paying the required application fee as promulgated by the board of healing arts. Upon approval of the application, the Board shall issue a license to be valid for two years (Section 334.404).

A temporary license may be granted upon the payment of a temporary license fee, the submission of all required documents, and the applicant meeting the necessary qualifications. The temporary license shall be valid until the results of the examination are announced (Section 334.406).

A licensed anesthesiologist assistant may apply to the Board to be placed on the inactive status list. An anesthesiologist assistant may return to active status by notifying the Board of the intention to resume the practice, paying the appropriate fees, and meeting all the licensure requirements of the Board (Section 334.408).

A licensed anesthesiologist assistant that wishes to retire must file with the Board an affidavit stating the date of retirement and any other facts necessary to verify retirement (Section 334.410).

Upon the payment of a fee and documentation of all locations of previous practice and licensure, the Board can issue a license to any licensed out-of-state applicant without examination or additional certification. The Board shall have the authority to negotiate reciprocal compacts with licensing boards of other states for the admission of licensed anesthesiologist assistants from Missouri (Section 334.412).

The Board shall issue a certificate of registration to any applicant that meets the qualifications for an anesthesiologist assistant and has paid the required fee. The Board shall have the authority to issue subpoenas and establish guidelines for anesthesiologist assistants. The Board may refuse to issue, suspend, or renew a certificate of registration or license or may file a complaint for any of the outlined causes in this section. Administrative hearing procedures will apply. Upon a finding by the administrative hearing commission, the Board may censure, place on probation for up to ten years, suspend for up to seven years, or revoke a person's certificate of registration or license. Any person violating any of the provisions of Section 334.400 to Section 334.430 is guilty of a Class A misdemeanor (Section 334.414).

Every licensed anesthesiologist assistant must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to every licensee at their last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt the licensee from penalties (Section 334.416).

Section 334.418 prohibits any person from practicing as an anesthesiologist assistant without a current, valid certificate of registration, with exceptions.

In order for a certificate of registration to be renewed, the anesthesiologist assistant must meet the Board's minimum

requirements for continuing education, which shall include but not be limited to, successful completion of the examination for continued demonstration of qualifications once every six years. (Section 334.420).

All fees will be collected by the Division of Professional Registration and deposited in the Treasury to the credit of the Board of Registration for the Healing Arts Fund (Section 334.422).

An anesthesiologist assistant can only practice under the direct supervision of an anesthesiologist who is physically present or immediately available. A supervising anesthesiologist may supervise up to four assistants consistent with federal regulations for reimbursement for anesthesia services. The supervising anesthesiologist shall adopt a written practice protocol that delineates the services provided and the manner of supervision. The Board may inspect or audit such written practice protocols (Section 334.424).

Hospitals will have full authority to limit the functions and activities performed by an anesthesiologist assistant (Section 334.426). No person shall portray themselves to the public as a "licensed anesthesiologist assistant", unless they are licensed pursuant to §334.400 to §334.430. Any person found guilty of violating this section will be guilty of an infraction with a maximum fine of \$200 (Section 334.428).

The Advisory Commission for Anesthesiologist Assistants is created and will guide, advise, and make recommendations to the Board. The Commission, comprised of five members, will take effect no later than July 1, 2005. Members may receive up to \$70 per diem. Implementation of the licensing and other statutory requirements shall not take place until money has been appropriated for such purposes and initial rules have become effective (Section 334.430).

Certified registered nurse anesthetists are not required to enter into collaborative practice arrangements with physicians if such nurse is under the supervision of an anesthesiologist or other physician, dentist or podiatrist who is immediately available if needed (Section 334.104).

This act is similar to SCS/SB 300 (2003).
JIM ERTLE

Sponsor: Avery

Handler: Griesheimer

SCS/HCS/HB 392 - This act requires franchisors, before granting a franchise to establish or relocate a motorcycle or all-terrain vehicle franchise within the market area of an existing franchise representing the same line-make, to notify existing franchises in the relevant market area and allows the existing franchisee to file an action in court to determine whether good cause exists for the establishment or relocation of the franchise. The act does not apply to the reopening or replacement of a closed dealership that has been closed in the preceding year or replacement franchisee that is within two miles of the established place of business of the closed dealership.
CINDY KADLEC

Sponsor: Byrd

Handler: Caskey

HCS/HB 394 - This act defines the term "next-of-kin" for purposes of chapters concerning vital statistics, disposition of dead bodies, the licensing of embalmers and funeral directors and special purpose contracts as such chapters relate to the custody, control and disposition of deceased human remains. The act lists the persons in terms of priority who are considered a deceased person's next-of-kin. A deceased person's next-of-kin may control final disposition of the remains if they assume all costs for disposition. Funeral directors are entitled to rely and act on the lawful instructions of the claimed next-of-kin. A person can designate any person to be his or her next-of-kin by a verified written instrument, including a will or trust.
JIM ERTLE

SCA 1 - CORRECTS TECHNICAL ERROR TO PROVIDE THAT THE ORDER FOR NEXT-OF-KIN IS DETERMINED BY SUBDIVISIONS 3 TO 8 OF SUBSECTION 2

Sponsor: Pratt

Handler: Klindt

SS#2/SCS/HB 401 - This act expands the authority of the Board of Public Buildings to issue revenue bonds. The act authorizes the Board to issue bonds for any state educational institution. The Board is allowed to consider appropriations by the General Assembly as net income and revenues. The Board is no longer tied to only issue revenue bonds which are payable from the net income and revenues arising from the operation of the project but simply requires repayment from the net income and

revenues relating to any project. The act also expands the definition of "project" to include renovations, improvements and equipping of buildings and structures.

The Board is authorized to issue bonds to provide funds to refinance the payment of general revenue fund temporary notes issued by the Tobacco Settlement Financing Authority. The Board is also authorized to covenant to request annual appropriations in an amount sufficient to pay the principal, interest, and any reserve funds for bonds issued by the Board.

The Board's bonding authority is expanded from \$425 million to \$655 million for bonds for state agencies.

The act also creates bonding authority for the Board of Public Buildings to issue bonds for educational institutions. The mechanisms for issuance of bonds for educational institutions is similar to the method in which bonds are issued for projects for state agencies. The Board's bonding authority for bonds for educational institutions is \$170 million. The provisions relating to the issuance of revenue bonds for projects at educational institutions shall terminate upon the satisfaction of all outstanding bonds, notes and obligations.

The act also prohibits the Tobacco Settlement Financing Authority and the Board of Public Buildings from proceeding further with the tobacco securitization. The provisions authorizing tobacco securitization shall terminate upon the satisfaction of any outstanding temporary notes and obligations.

This act contains an emergency clause.

This act is similar to SB 512 (2003).
CINDY KADLEC

Sponsor: Stevenson

Handler: Caskey

HB 430 - This act allows a position on the Executive Council of the Judicial Conference to be filled for the unexpired term of any member as provided by resolution of the Judicial Conference.

This act is identical to SB 457 (2003).
JIM ERTLE

Sponsor: Portwood

Handler: Steelman

HB 440 This act authorizes the State Dental Board to disclose records and information to the Board's Well-being Committee to assist the Committee in the identification, intervention, treatment and rehabilitation of impaired licensees. All information disclosed to the committee is still considered confidential and closed to the public.

JIM ERTLE

Sponsor: Jackson

Handler: Yeckel

SS#2/SS/SCS/HB 444 - Currently, the Missouri College Guarantee Fund annually receives \$3 million dollars from the Gaming Commission Fund and an extra \$1.5 million if the remaining net proceeds of the Gaming Commission Fund exceed twenty-seven million. This act alters the distribution of the Gaming Commission Fund by annually awarding the Missouri College Guarantee Fund \$4.5 million and an extra one-half million if the remaining net proceeds of the Gaming Commission Fund exceed twenty-eight million.

Currently, \$3 million dollars are transferred annually from the Gaming Commission Fund to the Veterans' Commission Capital Improvement Trust Fund. This act allocates an extra \$3 million to the Veterans' Commission Capital Improvement Trust Fund should the remaining net proceeds of the Gaming Commission Fund exceed twenty-eight million dollars.

Currently, \$3 million dollars are transferred annually from the Gaming Commission Fund to the Missouri national guard trust fund. This act allocates an extra one million dollars to the Missouri National Guard Trust Fund should the remaining net proceeds of the Gaming Commission Fund exceed twenty-eight million dollars.

Further, this act formulates a new means of distributing the fund. Currently, the remaining net proceeds of the Gaming Commission Fund (after funding the administrative costs of the Commission and appropriations to the Compulsive Gamblers Fund and community neighborhood organization programs) are distributed concurrently to the Veterans' Commission Capital Improvement Trust Fund, the Missouri National Guard Trust Fund, and the Missouri College Guarantee Fund. Under the provisions of this act, the Missouri College Guarantee Fund will receive the first portion of the distribution, the Veterans' Commission Capital Improvement Trust Fund will receive the second portion of the

Sponsor: King

Handler: Caskey

HB 463 - This act deems the City of Adrian to be known as the "Purple Martin Capital of the State of Missouri".

SARAH MORROW

Sponsor: King

Handler: Klindt

HB 464 - This act increases the amount to eligible borrowers that can be guaranteed from the Single Purpose Animal Facilities Loan Guarantee Fund from 25% to 50% of the amount borrowed with a limit of \$250,000. This act decreases the amount to total outstanding guaranteed loans for immediate redemption of 20% of the outstanding loans at any one time. This amount is decreased from 40%.

This act is identical to SB 388 (2003).

SARAH MORROW

Sponsor: Hanaway

Handler: Kinder

HB 465 - This act establishes the Joint Committee on the Life Sciences. The Joint Committee will be composed of seven members from the Senate, who will be appointed by the President Pro Tem and the Senate's minority floor leader, and seven members from the House, who will be appointed by the Speaker and the House's minority floor leader. Members shall serve until a successor is appointed. One Senate member and one House member shall be selected as a chairperson and vice-chairperson, with the chairpersonship alternating between the Senate and the House every two years.

The Joint Committee will be responsible for making recommendations that support life sciences research and commercialization in the following areas:

- Legislative implementation of Missouri's strategic plan for life sciences;
- Executive branch actions and policies;
- State investments;
- Changes in Missouri's tax system;
- Laws and policies designed to eliminate barriers and encourage new start-up life sciences companies in Missouri;
- Laws and policies that encourage the retention and recruitment of existing life sciences companies and life

scientists; and

- Coordination of Missouri's existing scientific resources, including colleges and universities.

The Joint Committee will meet quarterly and members shall serve without compensation but may be reimbursed for any expenses incurred. The Joint Committee must compile an annual report to be submitted to the General Assembly by January 15th each year.

This act is identical to SB 511 (2003).

LORIE TOWE

Sponsor: Mayer

Handler: Bartle

CCS/SCS/HS/HB 470 - This act prohibits the sale of more than two packages, or six grams, of any over-the-counter drug having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine.

The sale of three packages, or nine grams, of any combination drug containing ephedrine, pseudoephedrine, or phenylpropanolamine is also prohibited. Packages having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine must be kept behind the counter, or within fifteen feet of an attended checkout counter and within the view of the checker. Violation of the provisions of this section is a Class A misdemeanor.

This act does not apply to stores that have an electronic anti-theft system using a detection alarm and product tags on these drugs.

The act supercedes any municipal ordinances or regulation passed on or before December 23, 2003, to the extent the ordinance are more restrictive.

It is a Class B felony for any person not the owner or not in lawful control of an approved anhydrous ammonia container to release anhydrous ammonia into the atmosphere. If the unlawful release of anhydrous ammonia causes physical injury or death to any person, it is a Class A felony.

This act authorizes court to order a person convicted of a crime authorized in Chapter 195, RSMo, to pay for test conducted at a private laboratory.

for one-year durations. This act allows applicants for a driveaway license to choose a biennial driveaway license. The windshield placard shall be renewable on a biennial basis. This act provides language regarding the color scheme of license plates; reinstates language which was inadvertently repealed in a prior session that allowed applicants registering property-carrying commercial motor vehicles to request an additional plate at a charge not to exceed \$15; requires plate tabs to be displayed in the designated area rather than in the middle of the plate; and provides standardized language which prohibits apportioned motor vehicles and commercial motor vehicles in excess of 18,000 pounds from obtaining special license plates. This also contains minor clean up language to allow consistency in the statutes. This portion of the act is similar to HB 598.

This act is similar to SB 581 and SCS/SB 343 et al (2003).
STEPHEN WITTE

Sponsor: Bruns

Handler: Dolan

HCS/HB 493 - This act allows members of the Missouri Society of Professional Engineers to receive special license plates. In order to obtain such a plate, the member must pay \$25 for an emblem-use contribution to the organization and pay \$15 in addition to regular registration fees.

This act is similar to SB 403 (2003)
STEPHEN WITTE

Sponsor: Deeken

Handler: Yeckel

CCS/SS/SCS/HS/HB 511 - The Secretary of State is responsible for overseeing state compliance with HAVA, including the establishment of state-based administrative complaint procedures to remedy grievances concerning a violation of Title III of HAVA, and providing voter registration information to absent uniformed services voters regarding elections for federal office (Section 28.035).

The Governor may appoint additional nonvoting representatives to the Boards of Election Commissioners (Section 115.027). This act provides that the governing body of Platte county shall approve all annual general operating expenditures

from their general revenue fund to local election boards (Section 115.073). This provision is also contained in SB 358 (2003).

The act provides that federal funds may be used for loan programs to local election authorities and allows, but does not require, local election authorities to match the federal funds (Sections 115.074, 115.076, 115.098, and 115.801). The "Election Administration Improvements Fund" is created for the purpose of improving the administration of elections in the state. A revolving loan fund is established for improving the administration of elections through loans (Section 115.078). In order to meet funding requirements needed to obtain federal moneys, the state shall transfer moneys to the state election subsidy fund at a level equal to the amount expended in the fund for fiscal year 2000. Any excess moneys in the state election subsidy fund at the end of the fiscal year shall be transferred to the election administration improvements fund. This act also directs funds received from HAVA for the development of the state plan on how HAVA funds will be used (Section 115.077).

A statewide pool for election judges is created and requires election authorities, before appointing judges from another jurisdiction, to obtain written consent from the election authority of the jurisdiction where the prospective judges are registered to vote. Employees of the state and boards are allowed to serve as election judges (Section 115.085).

Election authorities are required to establish training courses for election judges to incorporate the curriculum developed by the Secretary of State (Section 115.103). Procedures for the naming of challengers and watchers are created. Challengers and watchers must be registered voters from the jurisdiction of the election authority for which the challenger or watcher is designated (Sections 115.105 and 115.107).

The act allows election authorities to designate up to four additional common sites as central polling places designed for accessibility to voters with physical disabilities, the elderly and other voters authorized to vote at central polling places. Subject to sufficient funding, the secretary of state shall develop a comprehensive plan for increased polling place accessibility. The act defines what shall be included in the plan (Section 115.115).

Courts shall not have the authority to order a candidate or issue to be placed on the ballot less than six weeks before the date of election, except as otherwise authorized by law (Section 115.125).

Except for Kansas City and any political subdivisions or special districts located in such city, this act changes the opening day for filing a declaration of candidacy for offices in political subdivisions and special districts from the 15th Tuesday before the election in April to the 16th Tuesday before the election. Except for Kansas City and any political subdivision or special district in such city, the act also modifies the date before which the political subdivision or special district must notify the general public of the opening filing date, the offices to be filled, the place for filing and closing filing date from the 15th Tuesday before the election to the 16th Tuesday before the election (Section 115.127). This provision is similar to SB 136 (2003).

As required by HAVA, certain information is added to the voter registration form in Section 115.155. An applicant that fails to answer a question on U.S. citizenship shall be notified by the election authority and given the opportunity to complete the form. Election authorities are required to forward registration and other data to the Secretary of State in order to comply with HAVA (Section 115.157).

In order to comply with HAVA, the act creates the Missouri Voter Registration System, which is a computerized statewide voter registration list. The system shall be implemented by January 1, 2004, unless a delay is approved until January 1, 2006. The system replaces the "Centralized Voter Registration System". The Secretary of State and local election authorities shall cooperate in updating the system on a regular basis and may use the system for the collection and dissemination of election results. Information collected for the system shall not be used for commercial purposes, as defined in the act (Section 115.158).

The act modifies provisions relating to the identification requirements for persons registering by mail as mandated by HAVA (Section 115.159). A definition for "overseas voter" is created with regard to absentee voting and procedures are created for absentee voting by uniformed and overseas voters (Sections 115.275 and 115.279). No notary shall collect a fee for notarizing a signature on an absentee ballot or voter registration. Any notary that does so is guilty of official misconduct (Section 115.283).

Election authorities may deliver absentee ballots not earlier than 10 weeks before an election. Current law allows the ballots to be delivered not earlier than six weeks (Section 115.284). The act modifies provisions relating to certain confined persons who qualify for delivery of their absentee

ballots by a team appointed by the election authority. The act repeals the ability of certain relatives to deliver the absentee ballot. The act changes the color of a stamp on the ballot envelope (Section 115.287). Special write-in absentee ballots may be requested for special or primary federal elections in addition to general elections (Section 115.292). The act modifies the information that must be included on a sample ballot and voting instructions posted on election day and during the period of time when absentee voting occurs, as required by HAVA (Section 115.417).

The act provides that a provisional ballot cast at the wrong polling place will not be counted as authorized by HAVA, but that voters should be directed to the correct polling place. Pursuant to HAVA, the Secretary of State shall ensure that a toll-free number or internet website for provisional voters is established. An individual who votes after a court order extends the polling hours shall cast a provisional ballot which shall be separated from other provisional ballots, in accordance with HAVA. Such ballots shall not be counted until such time as the ballots are determined to be valid. A person whose eligibility cannot be immediately established may vote an appropriate ballot at a central polling place or a provisional ballot if eligibility cannot be determined (Section 115.430).

The act makes it a class four election offense to steal or damage campaign yard signs (115.637).

The act corrects a reference in Section 115.761 to indicate that the presidential primary is held in February. The Secretary of State is authorized to prepare fair ballot language statements on statewide measures within 20 days of receiving a statewide ballot measure. The Attorney General must approve the legal content and form of the proposed statements within 10 days (Section 116.025).

This act creates procedures for challenges to fiscal notes and fiscal note summaries prepared for initiatives and referenda. If the Attorney General or the circuit court of Cole County determine that a fiscal note or fiscal note summary has been incorrectly prepared, the note or summary shall be returned to the state auditor for revision. Such note or summary cannot be certified by the secretary of state until approved by the attorney general or the court. Any citizen challenging the fiscal note of a proposed measure shall include in the petition the reasons why such fiscal note or fiscal note summary is insufficient or unfair. The petition shall request a different fiscal note or fiscal note summary. The court shall consider the petition, hear arguments and decide to either certify the fiscal

note or fiscal note summary or remand it to the state auditor for preparation of a new fiscal note or fiscal note summary (Sections 116.175 and 116.190).

The act removes a provision of law which disallows any person from running for the Board of Education of the St. Louis Public Schools who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity. Second degree of affinity or consanguinity is defined as a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law (Section 162.601). This provision is also contained in SCS/HCS/HB 288 (2003), SCS/SB 422 (2003) and CCS/HS/HCS/SCS/SB 686 (2003).

Petitions to detach property from a public water supply district must be signed by 1/4 of the registered voters from the each subdistrict or 50 registered voters from each subdistrict, whichever is less. Current law requires at least 25 voters from within the water supply district (Section 247.170).

The act changes the term of office for certain fire protection district directors (321.120). This provision is also contained in SB 173 (2003).

The act contains an emergency clause with regard to Section 115.078.

This act is similar to SB 569 (2003), SB 358 (2003), SB 623 (2003), SB 634 (2003), SB 136 (2003), SB 173 (2003), SCS/HCS/HB 288 (2003), SCS/SB 422 (2003) and CCS/HS/HCS/SCS/SB 686 (2003).
JIM ERTLE

Sponsor: Cooper

Handler: Bartle

SCS/HB 512 - This act adds the definitions of "no commercial value," "private sale" and "public sale" to the chapter. It changes the disclosure requirement for liability insurance to that of casualty insurance. The act clarifies the fact that the time requirements of section 415.415 RSMo, subsection (2) and (4) run concurrently. Further, it corrects the current statute and refers to the proper section for the definition of "commercially reasonable manner" under the Uniform Commercial Code.

The act also requires the operator prior to sale of the occupant's property to only notify those lienholders disclosed by

the occupant pursuant to 415.410 RSMo. It also removes the current occupant notice requirement prior to denial of access, allowing the operator to deny access to the leased space once an occupant is in default.

RICHARD MOORE

Sponsor: Dethrow

Handler: Childers

SCS/HB 521 - This act allows the Missouri Fire Education Trust Fund to receive moneys from gifts, grants, or appropriation by the General Assembly.

JIM ERTLE

Sponsor: Dusenberg

Handler: Vogel

HB 523 - The act requires the Gaming Commission to conduct a criminal history check, if the Commission feels it is warranted, on certain key persons seeking issuance or renewal of a bingo equipment and supplies manufacturer or supplier license. The Gaming Commission must also do a criminal history check, if the Commission feels it is warranted, on any person seeking employment with the Commission and any person seeking the issuance or renewal of an excursion gambling boat license.

This act is similar to SCS/SB 294 (2003).

JIM ERTLE

Sponsor: Kingery

Handler: Foster

SCS/HB 552 - This act establishes that in certain counties moneys collected pursuant to Section 488.426, RSMo, may be expended for courtroom renovation and technology.

RICHARD MOORE

Sponsor: Smith (014)

Handler: Gross

HB 553 - This act allows political subdivisions to provide

health insurance benefits for retired officers and their dependents and the dependents of deceased officers. Currently, health benefits for officers are only authorized for current officers of the political subdivision, and the statute is silent regarding benefits for retired officers and dependents of deceased officers.

CINDY KADLEC

Sponsor: Engler

Handler:

HCS/HB 554 - This act modifies the existing grant of permission to reduce the number of days in the school calendar because of inclement weather during the 2000-2001 school year so that it applies to the 2002-2003 school year. The act also waives the required two-thirds make-up for 2003-2004 and removes existing language that permitted districts in 2000-2001 to use a previous year's attendance figures under certain conditions relating to school closure for inclement weather.

The act contains an emergency clause.

DONALD THALHUBER

Sponsor: Jackson

Handler: Griesheimer

HB 574 - This act authorizes the conveyance of land owned by the State at the Missouri Eastern Correctional facility to the City of Pacific.

RICHARD MOORE

Sponsor: Dethrow

Handler:

SCS/HCS/HB 575 - This act adds the Ozark Foothills child assessment center and the North Central Missouri child assessment center to the other fourteen regional centers that are funded by the Department of Social Services. However, the other child assessment centers must submit to the Department a modified funding formula so that no additional state funding would be required.

LORIE TOWE

Sponsor: Emery

Handler: Nodler

HB 594 - This act establishes the procedures for disincorporation of a road district in Jasper County.

RICHARD MOORE

Sponsor: Schlottach

Handler: Dolan

HB 597 - This act removes the requirement that the township clerk file a copy of the township's fiscal and inventory report regarding roads and bridges with the state Department of Transportation.

RICHARD MOORE

Sponsor: Schlottach

Handler: Dolan

SS/SCS/HB 598 - This act enacts various provisions relating to motor vehicle license plates and the registration of motor vehicles.

DISABLED LICENSE PLATES (SB 343) - This act revises the procedures relating to disabled license plates and placards and the use of designated disabled parking spaces.

Under this act, fraudulent procurement or use of a disabled license plate is a Class A misdemeanor. Under current law, it is a Class C misdemeanor.

Physicians or health care practitioners will be guilty of a Class A misdemeanor if they issue, sign, or furnish a physician's statement or certificate to enable a person to obtain disabled license plates or windshield placards for any person who does not meet established conditions required by law or if there is no basis for a diagnosis, or state a condition or diagnosis which is outside the scope of the provider's license. Under current law it is a Class C misdemeanor for a health care practitioner to certify an individual for a disabled plate or placard if the diagnosis is outside the practitioner's scope (Section 301.141).

This act allows other health care practitioners (chiropractors, podiatrists, and optometrists) to certify individuals for disabled license plates and placards (Section 301.142).

Under this act, age, in and of itself, shall not be a factor in determining whether a person is entitled to a disabled license plate (Section 301.142.1(f)).

This act provides that other authorized health care practitioners may furnish disabled persons a statement for only those health care conditions for which the practitioner is authorized to treat. The act establishes record maintenance requirements for physicians and health care practitioners who issue physician's statements.

Under this act, a physician's statement shall:

1. Be on a form prescribed by the Director of Revenue;
2. Set forth the specific diagnosis which renders the person physically disabled;
3. Include the physician's license number; and
4. Be signed by the physician or health care practitioner.

This act requires physicians issuing statements to maintain certain medical records and documentation relating to the issuance of the statements. These records shall be open to inspection and review by the physician's licensing board to verify compliance with the act.

No more than two removable windshield handicap placards may be issued by the Director of the Department of Revenue to any one person. The fee for removable windshield handicap placards is increased from \$2 to \$4 and must be renewed every two years (not every year). Placards shall be renewable only by the person to which the placard was originally issued. The placard shall only be used when the person is in the motor vehicle at the time of parking or when the person is being delivered.

The Director also will be required to issue a registration certificate identifying the name, address, and other identifying information as prescribed by the Director. The Director shall furnish the applicant with a notice which sets forth that plates or placards are non-transferable, what the restrictions of use are, and the penalties for violating this act.

Beginning July 1, 2004, every applicant for a disabled license plate or placard or for a renewal of such items shall be required to present a new physician's statement dated no more than 90 days prior to such application. Thereafter, the Director shall not renew pre-existing disabled plates unless the applicant furnishes the Director with a new physician's statement every four years.

Under this act, a person who cannot produce the certificate which authorizes him or her to park in a disabled parking space shall be guilty of an Class A misdemeanor. If a person can later produce a valid certificate in court, the person shall not be found guilty. Under this act, a placard shall only be used when the vehicle is parked in a disabled parking space.

ANTITERRORISM LICENSE PLATES (SB 4) - This act creates the "Antiterrorism Fund" within the state treasury. Contributions from the sale of "Fight Terrorism" license plates, and other moneys shall be deposited in this fund to fund antiterrorism activities. This act allows motorists to obtain "Fight Terrorism" license plates. Any person desiring to obtain such plates must make an annual contribution of \$25 to the "Antiterrorism Fund".

AMATEUR RADIO PLATES (SB 89) - This act requires that amateur radio license plates contain the words "AMATEUR RADIO" in place of the words "SHOW-ME-STATE". Previous plate owners making a new application and paying a new fee to retain an amateur radio plate may request a replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME-STATE". This act is substantially similar to HB 684 (2001).

PEACE OFFICER PLATES (SB 134) - This act allows peace officers wounded in the line of duty, or surviving spouses, parents, brothers, sisters or children of a peace officer killed in the line of duty, to receive special license plates. The applicant shall pay \$15 in addition to regular registration fees. The plate shall bear the insignia depicting a yellow rose superimposed over the outline of a badge and shall bear the words "TO PROTECT AND SERVE".

FIREFIGHTER PLATES (SB 171) - This act allows firefighters wounded in the line of duty, or surviving spouses, parents, brothers, sisters or children of a firefighter killed in the line of duty, to receive special license plates. The applicant shall pay \$15 in addition to regular registration fees. The plate shall bear the words "FIREFIGHERS MEMORIAL".

U.S. VETERAN LICENSE PLATES (SB 240) - This act allows honorably discharged veterans to obtain "U.S. VET" motor vehicle license plates. To obtain these plates, the individual will pay \$15 in addition to regular registration fees. This act also removes the requirement from the U.S. VET motorcycle plate provision that the person must have served during a period of war.

FOXTROTTLING LICENSE PLATE (SB 261) - This act allows members of the Missouri Foxtrotting Horse Breed Association to obtain

specialized license plates. After making a \$25 contribution to the association, the member may obtain the specialized license plate by paying \$15 in addition to regular registration fees. The act allows members of the Missouri Foxtrotting Horse Breed Association to personalize the specialized license plates without a fee. The plate shall bear the words "FOXTROTTER - STATE HORSE". This part of the act is identical to HB 170 (2003).

SILVER STAR PLATES (SB 331) - This act allows any qualified applicant for the "SILVER STAR" license plate to obtain two sets of plates. Currently, only one set of plates is allowed. This act also provides that apportioned motor vehicles or commercial motor vehicles in excess of 18,000 pounds are not eligible for the special license plate. This part of the act is identical to HB 75 (2003).

DAUGHTERS OF THE AMERICAN REVOLUTION (SB 368) - This act allows members of the Missouri State Society Daughters of the American Revolution to obtain specialized license plates. To obtain the specialized plate, the member of the organization must pay a one-time emblem-use authorization contribution of \$25 and \$15 in addition to regular registration fees (Section 301.134).

KIDS WITH CANCER LICENSE PLATES (SB 369) - This act allows persons to receive "Friends of Kids with Cancer" license plates after making an annual \$25 contribution to the Friends of Kids with Cancer organization. In addition to the \$25 contribution, the person must pay \$15 plus regular registration fees. No additional fee shall be assessed for the personalization of such plates.

SPECIAL OLYMPIC LICENSE PLATES (SB 382) - This act creates the Special Olympics Missouri license plate. An individual may obtain such a plate after paying \$25 to Special Olympics Missouri in addition to the \$15 special license plate fee and other registration fees.

CHILDREN'S TRUST FUND LICENSE PLATES (SB 402) - This act modifies the law regarding Children's Trust Fund license plates. This act states that the plates cannot be issue for apportioned motor vehicles or commercial motor vehicles in excess of 18,000 pounds. This act allows the \$25 contribution to be made at time the of registration. This act also requires the Director of Revenue to issue sample license plates to be displayed in revenue offices and that literature describing the Children's Trust Fund be distributed in such offices.

PROFESSIONAL ENGINEERS LICENSE PLATE (SB 403) - This act allows members of the Missouri Society of Professional Engineers to

receive special license plates. In order to obtain such a plate, the member must pay \$25 for an emblem-use contribution to the organization and pay \$15 in addition to regular registration fees.

ORGAN DONOR LICENSE PLATE (SB 419) - This act creates an organ donor license plate. In order to receive an organ donor license plate, the driver must first donate \$25 to the Organ Donor Program Fund established under section 194.297. The driver must also pay \$15 in addition to regular registration fees. The license plate will bear the words "BE AN ORGAN DONOR" in lieu of the words "SHOW-ME STATE". The plates will be designed by the director of revenue in consultation with the Organ Donation Advisory Committee.

ALPHA PHI OMEGA LICENSE PLATES (SB 484) - This act allows members or alumni of Alpha Phi Omega to obtain specialized license plates. A member may obtain such a plate by making an annual emblem-use contribution fee of \$25 to the organization and by paying a fee of \$15 in addition to regular registration fees.

FORMER LEGISLATORS - This act allows former members of the Missouri legislature to receive special license plates. This provision is similar to one contained in HB 1789 (2002).

STREET RODS AND CUSTOM VEHICLE REGISTRATION - This act establishes new registration procedures for street rods and custom vehicles. The act defines "street rod" and "custom vehicle". The annual fee for these vehicles shall equal the fee charged for a personalized license plate (\$15) plus regular registration fees. Owners of these types of vehicles must certify at the time of registration that the vehicles will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses and will not be used for general daily transportation. These vehicles are exempt from vehicle inspections and emission tests. License plates for these categories of vehicles shall bear the words "STREET ROD" or "CUSTOM VEHICLE". A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors. A "blue dot tail light" is a red lamp installed in the rear of the motor vehicle which contains a blue or purple insert that is not more than one inch in diameter. These provisions are similar to SB 570 and HB 283(2003)(Section 301.132).

This act provides language regarding the color scheme of license plates; reinstates languages which was inadvertently repealed in a prior session that allowed applicants registering property-carrying commercial motor vehicles to request an

additional plate at a charge not to exceed \$15; requires plate tabs to be displayed in the designated area rather the middle of the plate; and provides standardized language which prohibits apportioned motor vehicles and commercial motor vehicles in excess of 18,000 pounds from obtaining special license plates. This provision is identical to HB 598 and SB 581 (2003).

BOY SCOUT/GIRL SCOUT PLATES - This act allows for special license plates designated "Boy Scouts of America", "Girl Scouts of America", and "Gold Award". To obtain these plates, a person must get an emblem-use authorization statement (\$25 contribution). Persons wanting a "Boy Scouts of America" plate must get the authorization statement from any local district council in the state. Persons wanting a "Girl Scouts of America" or "Gold Award" plate must get the authorization statement from the Girl Scouts of America. The use authorization statement must be presented to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. No additional fee will be charged for personalization of these plates. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the respective organizations. This portion of this act is identical to HB 626 (2003)

CAMP QUALITY LICENSE PLATES - This act allows persons who make a \$25 contribution to Camp Quality of Missouri to receive license plates with that organization's insignia. Contributions received by the organization will be used for providing scholarships to children with cancer.

STATE TROOPERS EMERGENCY RELIEF SOCIETY - This act allows members of the Missouri Association of State Troopers Emergency Relief Society to obtain license plates bearing the organization's emblem. The Missouri Association of State Troopers Emergency Relief Society will authorize the use of its emblem after receiving a \$25 emblem-use contribution fee. This fee must be used solely for the purposes of Missouri Association of State Troopers Emergency Relief Society. In addition to the \$25 contribution, any applicant desiring this specialized license plate shall pay \$15 in addition to regular registration fees. This provision is similar to SB 216 (2003).

LOW SPEED VEHICLES - This act allows operators of low-speed vehicles to use public highways under certain conditions. A low-speed vehicle is a four-wheeled vehicle whose top speed is greater than 20 mph but less than 25 mph and is manufactured in compliance with the National Highway Traffic Safety Administration standards. A low-speed vehicle shall not be

operated on a street or highway with a posted speed limit greater than 35 mph. A low-speed vehicle shall be exempt from inspection and emission testing, but must comply with the federal standards. Every operator of a low-speed vehicle shall maintain financial responsibility as required under Chapter 303, RSMo. Every operator of a low-speed vehicle must have a driver's license. City and counties may promulgate ordinances which are more stringent than this act. This provision is similar to one contained in SB 594 (2003).

EMISSIONS TEST - Exempts motor vehicles manufactured 26 years prior to the current model year from emissions inspection. This act allows BAR-97 vehicle emissions test for residents in Franklin County to be conducted on a biennial basis. The maximum testing fee is also increased to \$24 from \$10.50. This portion of the act is similar to SB 54 (2003).

ANIMAL-DRIVEN VEHICLES - Under this act, persons operating animal-driven vehicles during dark to use lamps or lanterns which comply with rules promulgated by the Department of Public Safety. The amendment also allows persons operating an animal-drawn vehicle to equip their vehicle with reflective material complying with rules promulgated by the Department of Public Safety (Section 307.125 and 307.127).

NRA LICENSE PLATE - This act creates the National Rifle Association license plate (Section 301.3145).

ATV PASSENGERS - This act modifies the definition of ATVs and allows passengers to ride on ATVs if the seat of such vehicles are designed to carry more than one person. The ATV definition is modified by increasing the unladen dry weight of an ATV from 600 pounds to 1,000 pounds and by providing that an ATV may be a vehicle with a seat designed to carry more than one person (Sections 301.010 and 304.013).

MEMORIAL HIGHWAY - This act establishes the Corporal Bobbie J. Harper Memorial Highway on U.S. Highway 71 in McDonald County. This portion of the act is identical to SB 598 (2003).

MOTOR VEHICLE EXTENDED SERVICE CONTRACTS - This act regulates the sale of motor vehicle extended service contracts for the repair, replacement or maintenance of motor vehicles. The act does not apply to warranties, maintenance agreements, commercial transactions and service contracts sold to non-consumers. The act requires those providing service under a motor vehicle extended service contract to demonstrate financial responsibility by insuring the service contracts under reimbursement insurance policies or by other means such as providing a surety bond.

study and evaluate current and proposed tax policy for taxpayer related fairness, impact, burden, effectiveness, local ramifications and federal/constitutional compliance. The committee will also review all agencies involved in tax policies, study the effects of coupling or decoupling with the federal IRC, and study the effects of a sales tax holiday (Section 21.810);

(2) Requires every vendor or affiliate of a vendor seeking to contract to provide goods and services to the State of Missouri to collect and properly pay all sales and use taxes (Sections 32.057 and 34.040);

(3) Increases from 5 cents to 10 cents per \$100 the maximum allowable tax levied on property to provide services for those over age 60 and older, if voter approval is obtained, for Buchanan County only (Section 67.990);

(4) Authorizes the city of Weston to impose a 1/2% sales tax for tourism, with approval by vote of the people (Section 67.2030);

(5) Adds Investment Funds Service Corporations to the list of those professions from which no municipal or other corporation tax or license fee may be collected (Section 71.620);

(6) Requires that amnesty shall be granted for all interest and additions to tax with respect to all unpaid taxes that are paid in full between August 1, 2003, and October 31, 2003; such amnesty shall not apply to persons involved in a criminal or civil litigation related to the tax liability (Section 136.320);

(7) Provides an amnesty period for the penalties, interest, fees and additions to tax for failure to pay sales tax on vehicles and failure to register such vehicles; the amnesty will run from 8/1/03 to 10/31/03; after the amnesty, all such penalties will be doubled (Sections 136.325 and 144.250);

(8) Requires any amount of pension, annuity, or retirement allowance deducted for state individual income tax purposes to be included in the taxpayer's federal adjusted gross income and not otherwise deducted in the calculation of Missouri taxable income. Persons who are 100% disabled, as defined by federal law, are exempted from this provision (Section 143.124);

(9) Requires all lottery and other gaming winnings to be included in Missouri nonresident adjusted gross income when the winnings are from a Missouri source, and requires withholding of such taxes for all winnings on electronic devices, with a \$600 minimum threshold, and withholding of such taxes on table games,

with a threshold of \$1,200 (Sections 143.181 and 313.822);

(10) Allows the Director of the Department of Revenue to require the remittance of sales and use taxes and withholding taxes through an electronic funds payment system for employers and sellers who are required to file and pay on a quarter-monthly frequency (Sections 143.225 and 144.081);

(11) Includes court costs in excess of \$25 related to the State Supreme Court, Court of Appeals, or any circuit court of Missouri as amounts that can be offset against a refund of taxes owed to a taxpayer (Sections 143.782 and 488.5028);

(12) Places an option on income tax returns for a refund to be kept by the state and deposited directly into general revenue (Section 143.1020);

(13) Prevents items on which no sales tax has been paid from counting against the purchase price of an item; in the case of a vehicle, the person trading in the item must own that item; in the case of a farmer buying a vehicle for agricultural use, the farmer may trade in grain or livestock which he or she produced (Section 144.025);

(14) Exempts natural gas used in the primary manufacture or processing of an agricultural product and modifies the farm machinery exemption to include the entire purchase price of machinery, supplies and equipment (Section 144.030);

(15) Prohibits retailers from obtaining refunds of sales and use taxes if the retailer has received a prior refund of such taxes for the same specific issue; any overcollected tax may, upon audit, be credited to a retailer for a deficiency discovered during the audit (Section 144.190);

(16) Specifies that some of the proceeds of the Health Initiatives Fund will be appropriated to the Division of Alcohol and Drug Use for the administration and oversight of the Substance Abuse Traffic Offender Program; The Department of Mental Health has the authority to establish the amount of supplemental fees that are paid by persons enrolled in the Substance Abuse Traffic Offender Program; Delinquent fees will have interest charged and will accrue at a rate not to exceed the established annual rates plus three percentage points; The supplemental fees and any interest received by the Department will be deposited in the Mental Health Earnings Fund; The administrator of the Substance Abuse Traffic Offender Program must remit the supplemental fees to the Department on or before the fifteenth day of each month; Any administrator failing to

remit the supplemental fees and interest will be subject to a penalty equal to the amount of interest accrued on the supplemental fees; If the supplemental fees, interest, and penalties are not paid within six months, the Attorney General may initiate appropriate action; Delinquent programs shall be assessed attorney's fees and court costs (Sections 191.831, 302.304, 302.540, 577.041, 577.049, and 577.520);

(17) Modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program; For all transactions that occur prior to July 1, 2003, the rebate amount shall be fifteen percent of the average manufacturers' price; For all transactions that occur on or after July 1, 2003, the rebate amount shall be fifteen percent for brand name prescription drugs and eleven percent for generic prescription drugs (Section 208.565);

(18) Modifies the payment in-lieu of tax scale on certain large boats or vessels documented with the U. S. Coast Guard, so as to include any watercraft purchase price (Section 306.016);

(19) Similar to the FRA, draws down additional federal funds for Rx drugs. This was enacted last session and this amendment extends the program. Relating to the tax levied on licensed retail pharmacies providing outpatient prescription drugs in Missouri - Department of Social Services may adjust more frequently for individual providers for significant changes in sales. Deletes the requirement that the tax be subject to an annual impact study by the Department of Insurance. After July 1, 2005, the tax shall expire after 90 days if the dispensing fee paid to pharmacists falls below FY 2003 levels and the reimbursement dispensed by pharmacies falls below FY 2003 levels. Extends the expiration date of these sections from 2003 to 2005 (Sections 338.520 to 313.550);

(20) Real estate brokers holding funds that belong to another party in a real estate transaction must maintain such funds in a separate account designated as an escrow or trust account. Brokers cannot commingle their own personal funds or any other moneys in this account with the exception of \$1,000 specifically identified to cover service charges related to the account. If a broker decides not to maintain an escrow account or within 10 days of opening an escrow account, the Commission must be notified. If there is a dispute regarding ownership of escrow moneys, the funds must be deposited with the state treasurer within 180 days of the original deposit. The funds will be held until the dispute is resolved. The act repeals provisions relating to escrow agents (Section 339.105);

(21) Allows the Secretary of State to dissolve corporations for failure to pay corporate franchise and income tax, with certain notice and other limiting provisions (Sections 351.120, 351.140, 351.484, 355.856, and 356.211);

(22) Authorizes the director of revenue to inform the supreme court clerk of any attorney who is delinquent on or who has failed to file for taxes in the past three years (484.053);

(23) Allows court costs to be paid in installments with a \$25 surcharge (Section 484.5025);

(24) Allows a court to collect unpaid court costs in excess of \$25 by seeking a set-off of the person's tax refund and allows the courts to hire private collectors to collect past due fines, costs, etc. (Sections 488.5028 and 488.5030);

(25) Requires as a condition of employment with the state government that all state income taxes due be filed and paid by the employee; Requires all state income taxes due to be paid by members of the General Assembly, statewide elected officials, and members of the judiciary; The reporting of tax compliance concerning members of the General Assembly and the Judiciary must be a direct communication between the director of revenue and the official, prior to reporting the situation to the applicable ethics commission (Section 1);

(26) Allows for revoking any professional license granted by the state after issuance unless tax clearance from the Department of Revenue is verified (Section 2); and

(27) Removes statutes regarding licensure requirements for production or distribution of soft drinks or beverages (Repealed Sections 196.365 to 196.545).

The act contains an emergency clause.
JEFF CRAVER

Sponsor: Byrd

Handler: Bartle

CCS/SCS/HCS/HB 613 - This act modifies a number of provisions relating to court procedures.

CRIMINAL HISTORY CHECKS (Sections 43.530) - The Highway Patrol is authorized to establish procedures for receiving criminal history requests from courts and others and paying for such requests by

electronic means.

CHILD ABUSE INVESTIGATIONS (Section 210.145) - In investigations of alleged child abuse, the Division of Family Services shall notify a parent of the child, if the parents are not the abusers. Currently, both parents must be notified. The Division shall not meet with the child at the child's school or child care facility. Currently, the Division cannot meet with the child at any location where the abuse is alleged to have occurred.

PETITION FOR DISSOLUTION OF MARRIAGE (Section 452.311) - The act requires that the verified entry of appearance of a respondent must be notarized in considering whether a petition is filed.

FILING OF GARNISHMENT ORDERS (Section 454.505) - The act deletes the requirement that the Division of Family Services must file all income withholding orders with the circuit clerk in child support cases.

PROTECTIVE ORDERS (Sections 455.027, 455.504 and 455.516) - No filing fees will be assessed to a petitioner in an action seeking a protective order. Once an order is filed, the Clerk shall issue a copy, as well as any subsequent order of termination, to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system (MULES). Copies of the petition and date for hearing shall be issued to the local juvenile office. Effective January 1, 2004, a petitioner shall not be required to disclose his or her Social Security number on any document filed. (Section 455.030).

STATE COURT ADMINISTRATION REVOLVING FUND (Section 476.058) - Any moneys received in connection with preparation of court transcripts shall be deposited in the fund.

EXECUTIVE COUNCIL OF THE JUDICIAL CONFERENCE (Section 476.340) - This act allows a position on the Executive Council of the Judicial Conference to be filled for the unexpired term of any member as provided by resolution of the Judicial Conference.

FINE COLLECTION CENTER (Section 476.385) - This expands the Fine Collection Center to accept tickets for littering.

JUDICIAL FINANCE COMMISSION (Section 477.600) - This act modifies the annual report of the Commission to include separate information on all divisions of the circuit court of each county, include the probate division. The act provides that for budgeting disputes between counties and circuit courts that are submitted to the Judicial Finance Commission within 90 days of the end of a fiscal year, the Commission shall resolve the

dispute within 90 days of the beginning of the subsequent fiscal year (Section 50.640).

WITNESS FEES (Sections 488.032 and 491.280) - This act provides that witnesses shall be allowed a fee of \$25 per day plus a mileage allowance. Currently, witness fees were determined by guidelines promulgated by the supreme court.

COURT FEES AND SURCHARGES (Section 488.426) - The act deletes the requirement that any changes in court surcharges become effective on certain dates after notification of OSCA.

LAW LIBRARY FUND (Section 488.429) - The act provides that moneys from the fund may be used by Butler and Ripley counties for courtroom renovation and technology enhancement.

FAMILY SERVICES AND JUSTICE FUND (Section 488.2300) - The act provides that the judgment collected in juvenile proceedings is payable to the fund. The surcharge shall only be assessed to the respondent.

CRIMINAL CASE FEES (Sections 57.290, 67.133, 488.4014, 488.5320) - The act provides for a standard fee or charge for sheriffs, county marshals or other officers for services in certain types of criminal cases.

CRIMINAL CASE FILING SURCHARGE (Sections 488.5339) - The act modifies a section of law to make it consistent with a previous change to Section 595.045, RSMo, which increased the surcharge for the Crime Victims' Compensation Fund from \$5 to \$7.50.

MASTER JURY LIST (Section 494.410) - Beginning July 1, 2004, the names on the master jury list shall be chosen from certain source lists. The names of potential jurors on the list shall not be considered a public record.

COMPUTATION OF TIME IN CIVIL ACTIONS (Section 506.060) - Provides that Saturday cannot be the last day in computing time periods. Repeals language that provided for a half holiday to not be considered a legal holiday.

LEGISLATIVE CONTINUANCES (Section 510.120) - Authorizes legislative continuances in court during special and veto sessions, and during interim committee assignments.

ABSTRACTS (Section 511.510) - The act requires the clerk of each division of circuit court to enter abstract of judgement within five days of rendition.

APPEALS FROM CASES BEFORE ASSOCIATE CIRCUIT JUDGE (Section 512.180) - The act provides the right of a trial de novo in all cases where the pleading claims damages not exceeding \$3,000. Currently, the section uses the term "petition" instead of "pleading".

MODIFICATION OF JUDGMENT BY AGENCY (Section 511.350) - No judgment or decree by a court of competent jurisdiction may be amended or modified by any administrative agency.

HOMESTEAD EXEMPTION (Section 513.475) - The value of a homestead which is exempt from attachment and execution is raised from \$8,000 to \$15,000.

ENFORCEMENT OF ADMINISTRATIVE SUBPOENAS (Section 537.077) - The party requesting an administrative subpoena or the agency shall enforce the subpoena at Circuit Court. Currently, only the agency is responsible for enforcement of administrative subpoenas at Circuit Court. The involved agency and any party to the action is permitted to intervene in the enforcement action.

SELECTION OF GRAND JURORS (Sections 540.011 and 540.021) - Names of grand jurors shall be chosen from the master jury list. Repeals the grand jury list.

CASE DISPOSITIONS TO HIGHWAY PATROL (Section 577.051) - This act provides that certain case dispositions, not just final dispositions, must be forwarded to the Missouri State Highway Patrol. The act adds any other case dispositions that may be required by state or federal regulation.

This act is similar to SB 214, SB 446, SB 447, SB 448, HCS/SB 465, SB 467, SB 468, HCS/SB 470, SB 471, HCS/SB 474, SB 457 (2003) and SCS/HB 427, and HB 552 (2003).

JIM ERTL

Sponsor: Walton

Handler: Days

HCS/HB 640 - This act designates June 19 of each year as "Emancipation Day". This is to reflect upon the abolishment of slavery and the enactment of the Thirteenth Amendment to the United States Constitution.

HENRY T. HERSCHEL

Sponsor: Wilson

Handler: Foster

HB 655 - Current law requires that students receiving special education services must be accommodated when possible by special aids and services rather than separate classes. This act deletes the aforementioned provision and reiterates it to require that separate schooling be used only when education in regular classes with aids and services cannot be achieved satisfactorily.

The act also revises the procedure for review of hearing panel decisions, requiring the court to receive the administrative record, hear additional evidence if requested, and rule on the preponderance of the evidence.

The act provides for a period in which judicial review may be petitioned. The act permits appeals of the court's decision and makes the provisions of the administrative procedure chapter of state statute applicable to special education due process hearings and appeals under certain circumstances.

DONALD THALHUBER

Sponsor: Crawford

Handler: Dolan

CCS/SS/SCS/HS/HB 668 - This act establishes various accountability measures relating to the Department of Transportation.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT - Under this act, members of the Joint Committee on Transportation Oversight from the Senate shall be appointed by the President pro tem and the Minority leader. Members of the committee from the House shall be appointed by the Speaker and the Minority floor leader. The annual report must be submitted to the Lieutenant Governor and shall also be posted on the Department of Transportation internet site. The Committee will be required to meet two times a year, in addition to its annual meeting. This act spells out the agenda items in addition to those which may be established by the co-chairs. The co-chairs of the Committee shall establish an agenda for each meeting. The following items may be discussed at such meetings:

- (1) Presentation of a prioritized transportation plan;
- (2) Discussion of Department efficiencies and cost-savings;
- (3) Presentation of a status report on Department of Transportation revenues and expenditures;
- (4) Review of any report from the Inspector General; and
- (5) Implementation of any actions as may be deemed

necessary by the committee (section 21.795).

TERMS OF COMMISSIONERS - This act reorganizes the terms of the members of the Highways and Transportation Commission and delineates the initial appointments. Appointments will be made by March 1st in odd-numbered years. Present members will serve the remainder of the term for which they were appointed or If a vacancy occurs due to death, resignation, or removal, the successor shall be appointed for only the remainder of the unexpired term (Section 226.030). Under this act, when two Commission members of the Commission are within two years of expiration of their terms, the Commission shall appoint one of those two members as chair of the Commission and the other as vice chair, each to serve in such position for one year. At the end of the year, the two members shall switch positions.

STATE OF THE STATE ON TRANSPORTATION - This act also requires that the Director of Transportation shall, by February 15th of each year, present an annual state of the state of transportation to a joint session of the General Assembly.

POLITICAL ACTIVITIES - Under this act, any Commissioner appointed or reappointed after March 1, 2004 shall not:

(1) Host or manage a political fundraiser or solicit funds for any candidate who is seeking a statewide or national elected office; or

(2) Serve on the board of any political action committee, political party committee, or continuing committee (Section 226.033).

INSPECTOR GENERAL - The Office of Transportation Inspector General is created within the Joint Committee on Transportation Oversight. The Inspector General shall serve as the Executive Director of the Committee. The Inspector General initially appointed shall take office January 1, 2004, and serve until June 30, 2005. The compensation of the Inspector General and other personnel shall be paid from the joint contingent fund or jointly from the Senate and House contingent funds. Subsequent directors shall be appointed for five year terms. The Inspector General shall report to and be under the general supervision of the Joint Committee. The Committee, by majority vote, shall direct the Inspector General to perform specific investigations, reviews, audits or other studies of the Department of Transportation. All investigations, reviews, audits or other studies performed by the Inspector General shall be conducted so that the General Assembly can procure information to assist it in formulating transportation legislation. The Inspector General shall also

investigate citizen and state personnel complaints concerning the Department of Transportation.

DEPARTMENT CONTRACT DISPUTES (ARBITRATION) - This act requires that any dispute or controversy in excess of \$25,000 but less than \$327,000 against the Department of Transportation stemming from a construction contract between the Department of Transportation be settled, upon request, by arbitration administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules. The dollar amounts shall be adjusted on an annual basis on January 1st in accordance with the Implicit Price Deflator for Personal Consumption Expenditure. Any judgment on the award rendered by the arbitrator shall be entered in the circuit court of Cole County.

TOTAL TRANSPORTATION DISTRICTS - Under this act, property separated by easements or rights-of-way shall be considered contiguous for transportation development district purposes.

Under the act, districts formed by property owners need not contain contiguous properties if:

1. The petition provides that the sole funding method is a sales tax;
2. A court finds that all the property within the proposed district will benefit district projects;
3. Each parcel within the district is within five miles of every other parcel.

This act provides an alternative method for forming a transportation development district. The act allows two or more local transportation authorities which have adopted a resolution calling for the joint establishment of a district to form a transportation development district. The proposed district area shall be contiguous and may contain all or any portion of a county or city. The act outlines the requirements of the petition.

The act allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The act also provides that the district may impose a funding mechanism other than a sales tax if approved by the voters within the district. The act sets forth the requirements of who may sit on the board of directors of the alternatively formed district. These provisions are contained in SB 230 (2003).

CONDEMNATION PROCEEDINGS - This act requires that 90 days after a condemnation award is paid into court and no agreement has been

filed and no party having an interest in the award has filed a distribution award, the court will determine the percentage of the award to which each party having an interest is entitled.
STEPHEN WITTE

Sponsor: Hanaway

Handler: Shields

CCS/SS/HS/HCS/HBs 679 & 396 - This act modifies various provisions of the law relating to foster care and protective services for children.

ADOPTION TAX CREDIT - The two million dollar aggregate cap on the special needs adoption tax credit is eliminated. (This provision is contained within SB 500).

CHILD ABUSE AND NEGLECT - Mandated reporters, including Division employees and juvenile officers but excluding school personnel, shall not be permitted to make anonymous reports of child abuse and neglect. School personnel shall only be required to disclose their classification as a mandatory reporter.

Christian Science practitioners are deleted as mandated reporters for child abuse and neglect in Chapter 210, RSMo, on child protection and included within the definition of "minister" for mandated reporters of child abuse and neglect in Chapter 352, RSMo, under religious and charitable associations. (This provision is contained within SB 571 and HB 445).

The Division must retain identifying information from reports of child abuse and neglect made by a mandated reporter for a period of five years.

The Division of Family Services is required to establish protocols for ensuring the safety of children, promoting the preservation and reunification of families and providing due process for those accused of child abuse and neglect. The Division must use a structured decision-making model to classify all reports, while giving priority to ensuring the well-being and safety of the child. All reports must be initiated within 24 hours and be classified based on the level of reported risk and injury to the child. The Division must consider the specified factors and the three levels of priority in classifying reports.

The Division shall not meet with a child in the school or facility building where the abuse is alleged to have occurred.

Preponderance of the evidence is now the required standard for the Division to prove abuse or neglect and for placement in the central repository. All persons placed on the registry prior to August 28, 2003 shall remain on the registry for the duration of time required by section 210.152, RSMo.

An officer must cease questioning if the child wishes to have his or her parent, legal guardian, custodian or attorney present. Any interrogation or interview with a child taken into custody based on allegations of child abuse and neglect shall, whenever possible, be audiotape, videotape, or digitally recorded in its entirety, except for good cause and the failure to comply shall render the child's statement's inadmissible in all future proceedings.

The age limitation for statements by children to be admissible is changed from 12 to 14.

An attorney representing the state in a criminal investigation at a state-funded child assessment center may, as a member of a multi-disciplinary team, observe the taking of the statement, but shall not be present in the room where the interview is being conducted.

For administrative review, the Child Abuse and Neglect Review Board shall uphold the Division's determination if it is established by a preponderance of the evidence that the alleged perpetrator abused or neglected the child. The alleged perpetrator shall have the opportunity to appear and submit testimony. The alleged perpetrator has the right to appeal the Board's decision. The alleged perpetrator may demand in writing a review by a judge in circuit court within 60 days of notification and the Division must initiate a de novo review within 14 days. Venue can be changed from Cole County to the county in which the alleged perpetrator resides.

CHILDHOOD SEXUAL ABUSE - An action for childhood sexual abuse can be brought within twelve years from the date the plaintiff turns 18 or within three years of the date that the plaintiff discovers or reasonably should have discovered the injury, whichever occurs later (This provision is similar to SB 669).

CHILDREN'S HEALTH INSURANCE PROGRAM - Any child with special health care needs that does not have access to employer-subsidized health insurance is not required to be without health care coverage for six months prior to eligibility for services and is not subjected to the 30-day waiting period following enrollment (This provision is contained within SB 87).

COMPULSORY SCHOOL ATTENDANCE - Juvenile officers must notify and report to the school district any violations of compulsory school attendance when the only basis for action involves an alleged violation of compulsory school attendance. The school district must immediately refer all private, parochial, or home school matters to the prosecuting attorney of the county where the child legally resides. Public school violations of compulsory school attendance may be referred by the school district to the prosecuting attorney (This provision is contained within SCS/SB 682).

COURT PROCEEDINGS - The court shall make reasonable efforts to inform parties of a status conference to be held within three days of child being taken into custody. Certain issues must be addressed at the status conference, including whether the child can be immediately returned to his or her home.

A protective custody hearing may be requested at the status conference and, if requested, must be held within 14 days of the request. An adjudication must be held no later than 60 days after the child has been taken into custody. If at that time the court determines there is sufficient cause for the child to remain in the state's custody, then the court must conduct a dispositional review no later than 90 days after the child has been taken into custody. A review hearing must be conducted every 90 to 120 days during the first year and at least every six months after the first year.

Continuances will not be granted without compelling circumstances and then the court must written findings on the record about the specific reasons for granting a continuance.

Upon the motion of any parent or their child, the court shall grant a change of judge, a change of venue, or both.

COURT RECORDS - All juvenile court proceedings relating to children in need of care and treatment and regarding the termination of parental rights shall be open to the general public. Adoption cases shall not be open to the public. On a motion of the court, the victim, or any other party, excluding the state, proceedings may be closed in whole or in part to protect the welfare and best interests of a child and in exceptional circumstances. The public shall be excluded from all proceedings during the testimony of a victim or a child. All records will be closed until the 72-hour status hearing is held.

Juvenile court hearings shall be preserved by stenographic, mechanical, or electronic recording.

After the status hearing, all records are open, unless otherwise specified as closed. Pleadings and orders of the juvenile court are open to the public, unless otherwise ordered by the court.

Any parent or party may waive confidentiality, but only the court can waive confidentiality for the child. The identity of the victim and references to the identity of the victim must be redacted from the record prior to public disclosure. The provisions of this section shall apply to cases initiated on or after August 28, 2003.

CUSTODY AND CARE OF A CHILD - A parent or an agency may temporarily place a child with another person, while retaining the right to supervise the care of the child and resume custody.

By power of attorney, parents may delegate any of their powers regarding care and custody to another person for a period of up to one year.

DEPARTMENT OF SOCIAL SERVICES - Beginning February 1, 2005, the Department of Social Services is required to submit an annual statistical report to the Governor and the General Assembly regarding the number of children receiving protective services from the state.

Interagency meetings of the Departments of Social Services, Mental Health, and Elementary and Secondary Education shall be held as frequently as possible to address and review any actions taken by agency personnel. Attendance by staff shall be documented at all meetings. Contracted providers shall be included in the meetings.

The Department of Social Services shall submit amendments to state plans and seek waivers from the U.S. Department of Health and Human Services for reimbursements under Title IV-E and Title XIX. The Department must also take the necessary steps for federal block grant money for foster care and adoption assistance.

The Department of Social Services, in conjunction with the Department of Mental Health, must apply for federal waivers from the U.S. Department of Health and Human Services in order to provide services to children.

The Departments of Social Services and Mental Health must prepare a plan to address the need for mental health services for children who are in the custody of the state solely for mental health services and for children determined by a court to need

mental health services.

DIVISION OF FAMILY SERVICES - The Division of Family Support must operate and maintain on a full-time basis a county office in every county. Also, a County Family Services Commission may be established in every county.

The Division of Family Services must conduct a diligent search for the natural parents of a child in its custody if their location is unknown. The definition of "diligent search" includes efforts to locate or identify the natural parents that are initiated as soon as the Division is made aware of the parent, with progress reports at each hearing until the parent is either identified and located or the court excuses any further search.

By January 1, 2004, the Division of Family Services must identify all children in its custody and report to the General Assembly on the type of foster care being provided.

EMPLOYEES OF THE DIVISION OF FAMILY SERVICES AND JUVENILE OFFICERS - Any employee of the Division, including merit and non-merit, that purposefully, knowingly, and willfully violates the Division's policy, rules, or state laws shall be dismissed if the violation results in serious physical injury or death.

Any juvenile officer or employee of the juvenile office who purposefully, knowingly, or willfully acts or fails to act in a manner that directly results in serious physical injury or death to a child shall be dismissed pursuant to Supreme Court Rules.

Juvenile officers are not authorized to take custody of any child 17 and under.

FAMILY CARE SAFETY REGISTRY - The new standard for information contained in the Family Care Safety Registry is "preponderance of the evidence". Also, beginning January 1, 2004, the sexual offender registry is added to the list of registries included within the Family Care Safety Registry.

FAMILY SUPPORT TEAM MEETINGS - The Division of Family Services must arrange a team meeting immediately following the status hearing and any additional team meetings prior to taking any action on the placement of a child. Biological parents and their legal counsel, foster parents, guardians ad litem, and court-appointed special advocates must be provided notice and allowed to attend all family support team meetings. They may request that other individuals attend the team meetings and receive all subsequent hearing notices at the families

discretion.

At the conclusion of the meeting, all parties must sign a form provided by the Department and included with the case records, which states that they are aware of the team's decision. Any dissenting views will be noted on the form and included in the child's case records (These provisions are similar to SCS/SB 430).

All information provided at meetings or hearings regarding the removal of a child is confidential except that a parent or party may waive confidentiality. No person shall be required to sign a confidentiality agreement before testifying or providing information at such meeting or hearing. Any person who doesn't agree to maintain confidentiality may be excluded from any portion of the meeting during which he or she is not testifying or providing information.

Any child, parent, or the Division may record the meetings through audiotape or videotape. All information contained in the audiotape or the videotape shall not be considered confidential until after the 72-hour status conference hearing is held, unless a court order authorizes disclosure.

GUARDIAN AD LITEMS AND VOLUNTEER ADVOCATES - Guardian ad litem and volunteer advocates shall be informed of meetings and have the right to attend any meetings involving the child. Guardian ad litem must advocate for timely hearings. The court shall have the authority to conduct general and criminal background checks, including a check of the Family Care Safety Registry.

HIGHWAY PATROL - Law enforcement agencies and the clerk of court must submit certain criminal arrest, charge and disposition information to the central repository without undue delay and within 30 days and shall furnish the offense cycle number to the prosecuting attorney.

The charge for information from the criminal registry for information supplied to criminal justice agencies or for state agencies screening state employees or applicants is removed. The amount the highway patrol may charge of a criminal history check is limited to five dollars for a non-fingerprint search and fourteen dollars for a fingerprint search.

The criminal history and identification records obtained from the central repository must be used only for the purpose for which they were obtained. The subject of the record can be used to challenge the accuracy of the criminal history record. The criminal records repository has exclusive authority to engage in

collecting, assembling, or disseminating criminal history records. It is a Class A misdemeanor for a person to collect or disseminate criminal history record information to anyone other than the original requestor.

A qualified entity may obtain a criminal record review of a provider from the Highway Patrol by furnishing the information on forms that are approved by the Highway Patrol.

Certain specified agencies can require applicants to submit fingerprints for a criminal history check with the fees paid by the applicant or in a manner prescribed by the highway patrol. (These provisions are contained within SB 543).

LICENSE-EXEMPT CHILD CARE FACILITIES - If a license-exempt facility or program receives a school exception, they must annually submit documentation to the Department verifying the license-exempt status. Private or religious elementary or secondary schools, religious preschools and kindergartens, weekly Sunday schools, and vacation Bible schools are not required to submit annual documentation. (This provision is similar to SB 684).

MENTAL HEALTH SERVICES FOR CHILDREN - The Department of Mental Health, in collaboration with the Department of Social Services, must establish by rule the definition and criteria for the designation of a community-based service. Community-based services will include intensive home-based services, early intervention services, family support services, respite services, and behavioral assistance services.

The Department of Social Services must conduct research into all child custody cases to determine which cases only need mental health services. Children in need of only mental health services may be returned to the family's custody. Subject to appropriations, the Department of Mental Health will be responsible for providing the necessary services for these children in the least restrictive environment. The Department of Social Services shall transfer the appropriate funds to the Department of Mental Health for the care of these children, subject to appropriations.

The Department of Mental Health must develop, implement and administer a comprehensive children's mental health service system. (These provisions are contained within SB 685 and HB 459).

The standard means test for children in need of mental health services shall be waived to avoid custody transfers to the

Division of Family Services.

MISSOURI FAMILY TRUST - New language allows residents of adjacent states to use the Missouri Family Trust. Upon the death of a life beneficiary, the state of Missouri will receive from the beneficiary's account the amount of total medical assistance paid on behalf of the life beneficiary. If there is any amount remaining in the account, then an amount equal to 75% of the principal balance will be distributed to the life beneficiary's heirs. If there are no heirs, the remaining balance will be distributed to the charitable trust. (These provisions are similar to SB 573 and HB 690).

OFFICE OF THE CHILD ADVOCATE - The "Office of the Child Advocate for Children's Protection and Services" is created within the Office of Administration to assure that children receive adequate protection and care from services and programs offered by the Department of Social Services. (This provision is contained within SCS/SB 43).

PLACEMENT OF CHILDREN IN FOSTER CARE - The Division shall provide standards and training for the licensing of prospective foster parents. The Division shall provide performance-based criteria for the evaluation of licensed foster parents. (This provision is contained within SCS/SB 430).

For the licensing of foster parents, the Division of Family Services must conduct a search for ex parte or full orders of protection on any adult in the applicant's household. The request is made through the Office of State Courts Administrator and a response is provided to the Division within 10 days of a request. The Division shall also conduct a criminal background fingerprint check, which shall include the state and federal criminal database information. The Division may make arrangements with other branch agencies to obtain any investigative background information. (This provision is similar to SCS/SB 430 and SB 543).

When an emergency placement of a child is made, the juvenile court or the Division of Family Services may request that a name-based criminal history record check be made to include full orders of protection and outstanding warrants of each person over the age of 18 who reside in the home. Within five days of the emergency placement, all persons 18 and over in the home must submit two sets of fingerprints for a more extensive criminal background check. A child shall immediately be removed from the home if any person residing in the home fails to provide the requested fingerprints. If the placement of a child is denied due to the results of a name-based search and the denial is

subsequently contested, all persons 18 and over in the home will be required to submit two sets of fingerprints for the criminal background checks.

The Division must notify the child's parent or legal guardian that the child has been placed in foster care, except in instances of imminent harm. A child shall not be removed from school for placement in foster care without a court order specifying that the child shall be removed from school. (This provision is contained within SCS/SB 430).

If placement results in the child attending a new school, records shall be automatically transferred to the new school. Upon request of the foster family and whenever possible, the child will continue attending at the same school.

Children must be returned to the care of a non-offending biological parent under certain circumstances.

PRIVATE CHILDREN SERVICES PROVIDERS - Whenever available and appropriate, the Division of Family Services is required to contract for the provision of children's services through private children's services providers and community agencies. The state will continue to be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect investigation, and the initial family assessment. These private providers and agencies must undergo background checks pursuant to Chapter 43, RSMo and submit the names of all employees to the Family Care Safety Registry.

By January 1, 2004, the Division of Family Services shall seek and authorize contracts that provide direct services to children and their families. These contracts will undergo a competitive bid process for public and private providers who have a proven record of the services provided or the ability to provide a broad range of child welfare services. All contracts entered into by the Division must be in accordance with federal laws and shall not result in a loss of federal funding.

By January 1, 2005, direct services shall be delivered to 20% of the cases under the supervision of the Division. By January 1, 2006, the direct services will increase to 35%; and by January 1, 2007, the direct services will increase to at least 50%.

Beginning January 15, 2006 and annually thereafter through 2008, the Division of Family Services must submit a report to the General Assembly on the privatization of services.

PUTATIVE FATHER REGISTRY - Lack of knowledge of a pregnancy does not excuse the failure to timely file with the State Registrar. A detailed statement must be included in the pamphlet that is distributed by the Department of Health and Senior Services. Petitions for adoption shall include the payment of a \$50 filing fee, which shall be used to fund the Putative Father Registry. If a child is born in another states, then a search of the Missouri Putative Father Registry or any other state's registry shall be conducted. If the man is discovered on a registry, service of the adoption petition shall be carried out accordingly. Any man who has had sexual intercourse with a woman is deemed to be on notice that a child may be conceived and is entitled to all legal rights and obligations as a result. (These provisions are contained within SB 649).

RELATIVE OR KINSHIP PLACEMENT - The Division of Family Services must place children in their custody with relatives, unless it is contrary to the best interests of the child. If it is not in the best interests of the child to be placed with relatives, the court shall make a specific finding on the record detailing why the child is not to be placed with relatives.

The age of the child's relative shall not be the only factor that the Division takes into consideration when making placement decisions and recommendations to the court regarding the placement of the child with that relative. (This provision is contained within SCS/SB 430).

The Division must adhere to the Indian Child Welfare Act when placing a Native American child in protective custody. (This provision is contained within SCS/SB 430).

SCHOOLS AND SCHOOL EMPLOYEES - "Enticement of a child" and "attempting to entice a child" are included in the list of sexual offenses for which a certificate or license to teach may be either revoked or not issued. The local school board must immediately inform the state board of education and the attorney general when a teacher pleads guilty to or is found guilty of any offense that would authorize the state board of education to discipline the teacher.

Employees of the Division and public school employees are prohibited from performing a strip search of any student, without the signed permission of the parent.

Beginning January 1, 2004, new employees of school districts and individuals employed by a school district for two years or less with a negative history in their personnel file are required to complete a criminal background check before having any

unsupervised contact with a student. These individuals must submit to the Federal Bureau of Investigation background check, but may register with the Family Care Safety Registry in lieu of the required Highway Patrol background check. Fees for the federal and state background checks shall be paid by the employee and information shall be reported to the Department of Elementary and Secondary Education by school officials, who will be immune from civil liability. (This provision is contained within SB 543).

Individuals that are obtaining a school bus driver permit are required to submit two sets of fingerprints to the highway patrol. The first is used to search the criminal history repository and the other is forwarded to the FBI, with the applicant paying the fee. (This provision is contained within SB 543).

TASK FORCE ON CHILDREN'S JUVENILE JUSTICE - The Task Force on Children's Justice established by the Division of Family Services shall conduct an independent review of the policies, procedures, and cases of state and local child protective services agencies and their effectiveness. The Task Force is prohibited from disclosing information about specific cases or any other information. The Task Force may have access to information on cases it has been asked to review and may receive assistance as necessary from the Department of Social Services to carry out its duties.

The act repeals Section 26.740, RSMo, pertaining to the Child Abuse, Custody and Neglect Commission, and Section 210.937, RSMo, pertaining to the expiration date for the Family Care Safety Registry.

LORIE TOWE

Sponsor: Hanaway

Handler: Kinder

SCS/HCS/HB 688 - This act creates the Life Sciences Trust Fund in the state treasury. Beginning July 1, 2007, the Treasurer will deposit 25% of moneys received from the master settlement agreement in the fund. The moneys in the fund may not be used for other purposes without a majority vote of each house of the General Assembly.

Moneys in the fund shall be used to enhance the capacity of the state to be a center of life sciences research by building on the success of institutions in Missouri. The fund will be

managed by the Life Sciences Research Board which is created in the Office of Administration and will have seven members. Members will be appointed by the Governor with the advice and consent of the Senate. Members will serve staggered terms of four years. Members shall be generally familiar with the life sciences and current research trends and developments. Member shall not be compensated and will serve no more than two terms.

Centers for life sciences research shall be established based on certain criteria specified in the act.

Moneys in the fund will be appropriated to the Board for administration. No more than 10% of the moneys appropriated shall be used for construction of physical facilities. At least 80% of the moneys appropriated shall be used for building research capacity and 20% used to promote life science technology transfer and technology commercialization.

Criteria are set forth for the Board to consider in determining projects to authorize. Moneys not distributed in any fiscal year will be held in reserve or shall be awarded on the basis of peer review panel recommendations for capacity building initiatives.

Powers of the life sciences research Board are specified. The Board is directed to spend as much as possible on building capacity for research rather than administrative purposes.

The Board shall secure the services of the state auditor or an outside public accounting firm for an annual audit of its financial affairs and the moneys expended from the fund. The audit shall be available to the public. Every three years the Board will prepare a comprehensive report assessing the work of the life sciences research program.

Costs which are to be reimbursed in a grant or contract award must meet a four-part balancing test which is specified. Grant and contract recipients shall preserve research freedom, ensure timely disclosure of research, and promote utilization of the products of the research. Institutions or organizations receiving grant or contract awards will retain intellectual property rights.

Members of the Life Sciences Research Board shall not be employed by any entity entitled to receive financial support from the fund. Conflict of interest provisions regarding participation in certain decisions are specified.

Moneys appropriated shall not be used for any project that

involves abortion services, human cloning or prohibited human research. Provisions for cost sharing are provided.

Any bank account containing state funds, including the Life Sciences Research Trust Fund created pursuant to Section 196.1100, with an average daily balance of more than \$10,000, shall be obtained through an open and competitive bid process.
CINDY KADLEC

Sponsor: Bruns

Handler: Gross

HCS/HCR 6 - This resolution rejects the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.
JIM ERTLE

Sponsor: Behnen

Handler: Cauthorn

HCR 15 - This resolution designates March 6th as "Lymphedema D-Day" in Missouri.
LORIE TOWE